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REPORT ON

THE PROBLEM OF MINING CLAIMS ON THE NATIONAL FORESTS

BY

THE NATIONAL FOREST ADVISORY COUNCIL

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U. S. Forest Service

January 1953

September 15, 1952

Honorable Charles F. Brannan
Secretary of Agriculture
Washington 25, D. C.

Dear Mr. Secretary:

The National Forest Advisory Council takes pleasure in submitting to you a report of its studies of the mining claim problems on the national forests, together with certain conclusions and recommendations as you requested in your letter to the Chairman of the Council on June 28, 1950. In this letter you outlined the problems and requested the advice on certain particular points from the Advisory Council after it had finished its studies.

You pointed out that:

"The Bureau of Land Management of the Department of the Interior has initiated certain proposals for the revision of the mining laws.

"There have already been some discussions with the mining interests and others, of the proposals of the Bureau of Land Management. The Forest Service of this Department has been collaborating with the Bureau of Land Management in consideration of the problem and possible solutions. As you may know, the mining claim problem on the national forests is very real.

"It is the intent of the Bureau of Land Management to proceed cautiously in order both to avoid stirring up avoidable opposition on the part of the mining interests and to obtain the understanding and support of a good many groups who are interested in various values and uses of the federally-owned lands.

"Because of the importance of this matter in relation to the national forests, it would be very helpful, indeed, to have the National Advisory Council give the matter study this summer. This could well involve some visits to national forest areas where the mining problem is especially acute. I hope that it will be possible for the Council to undertake this project.

"What we would like particularly to have from the Council are its recommendations on whether it is now timely to go ahead rather vigorously with the public discussion of the need for the revision of the mining laws, what form you think such revision should take (a leasing system, separation of surface from underground rights, etc.), and the best means of developing public understanding and support."

The National Forest Advisory Council, after its members had made inspection trips into all six of the Western National Forest Regions--involving visits to some fifty national forests--has become deeply concerned about the extent of the abuses which have arisen through circumvention of the existing mining laws. The Council is convinced that this is one of the most important problems involved in the management of the resources of the national forests. It therefore makes the recommendations presented herewith, which it believes would, if carried out, greatly improve the use of the national forests in the public interest.

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Although a large part of the field investigations were carried out during 1951, the Council has kept in touch with the mining claim situation while engaged in other investigative work. It is apparent that the data, conclusions and recommendations presented are entirely valid as of this date. However the need for corrective legislation in connection with the old mining laws is all the more urgent if the national forest uses and resources are to be safeguarded in the public interest.

The Advisory Council is gratified to note that moves toward corrective legislation have already been made. House Bill 7023 by Representative Cooley and its companion Senate Bill 2866 by Senator Anderson have been introduced. These Bills would reserve the surface resources and uses for the public, insofar as such would not interfere with the legitimate mining operations on the respective claims. Although not a cure-all, the passage of such legislation would tend to go a long way toward protecting the public interests.

Another encouraging action is seen in the passage of H.R.4916, introduced by Mr. Regan of Texas. This act would remove non-metalliferous products from mining law jurisdiction and handle such on a permit basis. This would eliminate securing valuable resources and uses (timber, summer homes, etc.) because of the occurrence of sand, gravel, stone or especially pumice, usually of non-commercial value.

Another very encouraging move is seen in the publication of several magazine articles, - notably one by C. M. Granger in a recent issue of the "Journal of Forestry", and a series in "American Forests" by Cleveland Van Dresser. The public needs more enlightenment on the inroads being made on public resources because of our antiquated mining laws.

Other recent moves which seem to indicate an awakening public are the resolutions of the Izaak Walton League, the publicity of the National Wildlife Federation, and especially the recommendations for revision of the U. S. Mining Laws by the President's Materials Policy Commission.

Your Council hopes that the aroused public interest will result in such corrective legislation as will safeguard the public welfare. If the findings of the National Forest Advisory Council contribute in a small way toward the correction of a serious situation, the individual members will feel gratified.

Respectfully submitted,
The National Forest Advisory Council

Jonathan Forman

Jonathan Forman

R. R. Renne

R. R. Renne

G. B. MacDonald

G. B. MacDonald

Foreword

1. The findings of the National Forest Advisory Council are summarized in Section IV, Conclusions and Recommendations, pages 51 to 54.

2. Some of the more important cases observed by the Council are the following, which are summarized in Section V, Appendix:

   Case 5, page 58; pictures on page 27.
   Case 32, page 75; pictures on page 19.
   Case 64, page 91; picture on page 33.
   Case 102, page 109; map on page 113.
   Case 114, page 118; picture on page 36.
   Case 116, page 119; picture on page 39.
   Case 119, page 121; pictures on pages 37,38,40.
   Case 121, page 123.

3. Most of the pictures used in this report were obtained from members of the Forest Service.

CONTENTS

I. Background of the Problem of Mining Claims on the National Forests

A. The mining laws and changing conditions

At the time the mining laws were enacted 80 or more years ago it was the policy of the Federal Government to vest title to public land in private ownership. The development of much of the country was subsidized with public resources rather than with cash. Land and other natural resources were plentiful and their use and development were essential to the rapid industrial progress of the Nation. The mining laws were generous and offered the prospector and miner maximum benefits in minerals and other resources with a minimum outlay of effort and money. The surface resources, which had little monetary value at the time, were largely disregarded in the location, filing and patenting of mining claims. As the Nation has increased in population, the natural resources and uses of public lands have assumed a place of importance in the administration of the national forests and other public areas. In addition to the mineral values, more consideration has been given to timber, range and water resources as well as to recreational uses. This has made it necessary to evaluate these resources and uses along with those classed as mineral.

The liberality of the mining laws has made it possible to secure valuable surface resources along with those of a mineral nature. It is largely because of this liberality in the laws that public opinion, in considerable force, is calling for changes in the old mining laws. These proposals are not pointed against either the bona fide mineral prospector or the miner, but are intended rather to prevent the acquisition of other than mineral resources under the mining law. It is this appropriation and avoidable injury of non-mineral resources that is against the public interest.

Some have said that a law which has been on the books and working for 80 or more years has stood the test of time and is therefore sound. On the other hand many insist that this attitude has little merit, especially in view of the many changes in our economy which have come about in that period.

B. Psychological obstacles to changes

Efforts to change the mining laws are greatly handicapped because of the very complexity of the problems. The fact that most of these laws have been in effect for many years and now are supplemented by numerous judicial decisions, has caused even the more progressive mine operators to look with disfavor on any changes in the laws. They believe such changes might involve them in expensive litigation. This seems to be the attitude of many mine operators in spite of the fact that they recognize some abuses in the application of the mining laws.

C. Objectives in the use of national forest resources

For many years management and administration of the national forests for multiple use has been recognized and generally accepted by the people of the country. This has to do with the balanced management of such resources as timber, water, forage, wildlife, recreation, etc. Unfortunately, under restriction of existing mining laws, it has not been possible for the Forest Service, which is the administrative authority on the national forests, to establish a proper correlation of the use of the mineral and surface resources. At the present time mineral uses take precedence over all others. Many believe that Congress should make reasonable changes in the mining laws to secure a better balance among these uses. A study of the mining situation on the national forests shows, conclusively, that many of the major resources of the national forests are being acquired by private interests under the mining laws though such resources are not necessary or useful for mining purposes. Many informed persons believe that one of the most pressing needs is to secure legislative action which will protect the public interests against such loss of non-mineral forest values, and allow miners to develop and enjoy all mineral resources. The mining laws provide for acquiring lands valuable for minerals and it is frequently difficult or impossible for the Forest Service to prove that mineral values do not exist where the claimant can show enough mineral to indicate what might be called "color of validity", even though the economic possibilities of developing a going mine are rather remote. It has seemed to many people, especially in recent years, that if the real objectives in the use of the national forests are to be attained this will come about only through a reasonable revision of the mining laws to prevent acknowledged abuses and to correct defects.

D. Abuses

Ever since the national forests were created administrators have been attempting to provide an orderly development of the resources and uses on a permanent basis. A review of the mining claim situation on many of the forests in the West indicates the many handicaps in which the administrators are involved. In fact, it seems that the intended orderly development of the national forests will not be possible under present conditions.

The fact that questionable entries of mining claims have increased many fold during recent years presents a situation which demands not so much administrative as legislative action.

One significant statement is reported to the effect that one of the mineral examiners in twenty-eight years of examination of mineral claims found only one metalliferous lode prospect which over these years, developed into a paying mine. Another statement which is reputed to come from the U. S. Bureau of Mines is to the effect that, * "Probably only one prospector out of several thousands ever finds anything worth developing. Moreover, only one out of every three hundred to four hundred properties developed ever become profitable mines."

It is a matter of common observation that thousands of mining claims have been patented over the years with very little if anything to show except the so-called "discovery hole". Many of these claims have been

*U.S. Bureau of Mines Information Circular No. 6843, "Prospecting for Lode Gold" by E. D. Gardner

located on lands which have high value for timber, water, homesites, real estate development areas, or other valuable resources or uses of the surface. Large areas of national forest lands are held in mining claims on which only a very small fraction of the number of claims have sufficient minerals to justify any attempts at mining operations. One of the best illustrations of this is found in the pumice areas, which, truly enough, have pumice deposits of various thickness, but many of which would not be commercial possibilities. Many of these areas contain excellent stands of valuable timber.

Large areas, especially along some of the main highways in Colorado and other parts of the West, have largely been taken over for private recreation use under possessory claims based on mining locations. Many of these areas had been planned for public recreational use by the Forest Service. The liberal provisions of the mining laws often allow the claimant to acquire rights, and in many cases title, to the property even though the claimant and the administrators know that these claims are not taken for the minerals but rather for summer homesites, timber, or other uses which it is certain that the framers of the original mineral laws did not intend.

A mill site of five acres may, under the law, be acquired in connection with a valid lode mining claim. The purpose here is to provide room for the bona fide miner to have an opportunity to process his ore. Very frequently millsites are selected on lands which are most desirable sites for summer homes; once the claim is patented mining use may be promptly forgotten.

The mining laws have made it possible for the claimants to secure various non-mineral values of the national forests. Many people secure a good summer homesite by locating mining claims. To an outsider making observations this situation seems ridiculous. There is also another class of people who have been led to buy mining claims which were not based on valid locations, thinking that they were entirely within the law in using such areas for summer homes or for other purposes. Many of these people are caused serious inconvenience and disillusionment when they find that it is necessary to have at least valid discovery of mineral before they are entitled, under the law, to acquire the surface resources and uses.

The fact that there is no limit to the number of claims which can be located by an individual or an association, along with the waiving of assessment work on claims, has played directly into the hands of the claimants who are out to capitalize on the inadequacies of the old mining laws. Observations of areas on western national forests reveal millions of dollars of non-mineral resources, belonging to the public, upon which a number of these claimants have filed. The principal requirement for acquiring the valuable resources, through mineral patent, is to show that the claim contains mineral in quantity and quality sufficient to render the land valuable for mining purposes.

E. Old claims apparently abandoned which are reactivated

Many claims which have been dormant for years and which appear to have been abandoned, still clutter up the records and may become active again at any time with resulting confusion to the administrative agencies. One case was noted in which a claim was dormant for approximately forty-five years. It had not been "jumped" by another claimant. At a later time when a surface water development was planned to cross it, the claim was re-activated--without any indication of newly discovered mineral resources.

There is also the situation of mining claims which have been mined out--with little or no mineral values remaining. Yet these claims still exist with all of the surface resources. Some of these are re-activated when roads or other surface improvements are contemplated, and the claims have acquired a nuisance value.

F. Relocation of claims

Another unfortunate situation rests in the fact that claims which have been declared invalid by competent authority may be relocated by the first claimant or others, with the result that the administrative agencies may become involved in a continuing round of expense if the public interest is to be protected.

Some administrators believe that in the interest of the general public a person should not be entitled merely to sit on a claim without making any real effort toward the development of the mineral resource. It has been proposed that where there is no real attempt to develop a going mine within a reasonable period, perhaps 5 years, the hold on this claim should automatically be relinquished with all of the temporarily acquired rights reverting to the administrative agency. It would, of course, be possible for someone else to file on such claims but a revision of the law might provide that the original locators should be barred for a period of, say, 10 years.

G. Assessment work and moratoria

The apparent objectives of the framers of the original mining laws in regard to the requirement of $100 of assessment work per year were presumably to require reasonable perseverance in the development of the mining claim. For most of the past 20 years Congress has waived the requirements for assessment work on mining claims. This enabled the claimant to retain his hold on his claim without expenditure of time or money. This action was probably commendable in some instances particularly during the war but the repeated moratoria have encouraged the pseudo-miner to file and hold claims when he had little or no intention of developing a going mine. During prosperous times moratoria tend very definitely to increase the use of mining claims for purposes unrelated to mining, such as summer homes.

There is a proposal by some bona fide miners, as well as others, that the waiving of the assessment work requirement should not only be stopped but that the yearly requirement for actual development work should be raised to $500 or $600. It is of course apparent that in the '70's $100 had as much purchasing power as three times this amount at the present time. Therefore it appears that a $300 requirement for assessment work annually would not be out of line.

It has been observed that many mining claimants making a gesture toward fulfilling the assessment requirement expended some effort and money which appeared not to contribute in the slightest degree toward either a discovery of mineral or the development of a going mining operation. This seems to be a gesture which fools no one and is a needless waste of time, energy and funds.

There is also the situation that an affidavit filed with the county authorities that the assessment work has been performed for a specific year is usually accepted as evidence that the work has been done. The Advisory Council and the Forest Service believe that it would be reasonable not only to file an affidavit concerning assessment work with the county authorities but also a duplicate statement with the supervisor of the national forest concerned. This would make it possible for the Forest Service to keep informed on claim developments.

Another situation was observed in the California Region where certain locators of claims of questionable mineral value found it to their financial advantage to refile on their claims each year rather than to do the required assessment work--which would probably involve greater expense than that required for refiling on the claims.

H. Association placer claims

The mining law provides that a placer claim shall not exceed 20 acres for each individual claimant. However, the law permits an association of two to eight persons to locate a single claim covering 20 acres per person. The principal advantage in this so-called association idea is that one "discovery" is sufficient for validating the entire claim (rather than a discovery on each 20-acre parcel); also, only one unit of assessment work is required.

Resources, especially the surface resources, of a perfected association claim frequently gravitate to the original promoter by device of the quit-claim deed. When there is sufficient mineral to support an application for patent, the association claim idea can be used to acquire surface resources for uses such as timber or building sites and usually to the disadvantage of the public. The Council observed in areas of the national forests where shallow pumice beds are near the surface, an instance where promoters located four association claims on 640 acres of valuable timber land. In this case four discoveries of pumice were made--one in the corner of each of the four quarter sections having a common meeting point. These claims prevented the Forest Service from proceeding with timber sales and other operations necessary in the proper management of the forest. Forest officers were convinced that the pumice had little or no commercial value and were preparing to contest the claims. After the Council had completed its investigation, the Forest Service prevailed in a contest proceeding where similar claims were held invalid for lack of mineral values. If the claims had been patented valuable timber and other surface resources and uses would have been lost to the public and become private property under the mining laws. To prevent that loss it was necessary for the Forest Service to produce convincing proof of the fact that the timber lands were not valuable for marketable pumice, and to devote much costly time and effort to preparing and presenting its case. The Council was informed that there are hundreds of pumice claims which may require similar opposition for the protection of the public interest.

The original intent of the mining laws was to stimulate discovery and development of important mineral resources. The filing of numerous claims, without subsequent mining operations, has tended to tie up mineral resources, and has caused problems in the administration of the surface resources by precluding systematic management and development.

I. Obstruction of National Forest Uses

One of the rather disheartening situations with reference to the mineral laws comes through the fact that many claims obstruct the development and normal uses of the national forest resources. These claims have obstructed the location of roads, power lines, etc., have seriously interfered with administrative activities on the national forests, and have cost the taxpayers large sums of money.

The holders of unpatented claims have blocked the construction of timber access roads across their locations until they were paid a "toll" by purchasers of national forest timber, even though such roads would not have hampered mining operations. In other cases the need for roads or trails across patented claims is so urgent that the Government has found it necessary to buy back the rights to cross these lands.

An obstruction in access to timber sale areas results in a reduction of stumpage prices which are obtainable, in order to offset the extra costs involved when an operator pays a toll in order to get to the national forest timber he has purchased. Even though the claimant may be within the law in making such use of his possessory rights such action has the appearance of a hold-up. When it is a practice of certain individuals it approaches the category of racketeering. The timber operator usually has a heavy investment in labor and equipment and is often willing to pay the toll in order to avoid litigation and expense as well as delays.

Highway commissions in the West have been confronted with mining claims located where rights-of-way are essential in developing highways. Some of these claims are being held with no effort whatever toward mining operations.

A mining claim, either patented or otherwise, should not carry with it the right for the claimant to obstruct uses of adjoining land whether national forest or private, if such uses do not interfere with legitimate mining operations.

J. Timber values involved on mining claims

The concern of the Forest Service may be realized in part when it is known, according to reliable estimates that mining claims on the western national forests contain nearly two million acres of land with about seven billion board feet of merchantable timber. This timber has been very conservatively estimated to have a value of 57 million dollars.

K. Control of water by mining claims

On some forests mineral locations have been made on range areas in such a way that they control the water and thus control the range itself and upset the management program of the Forest Service. On many areas the Government has

provided at large expense the development of water facilities in order to make better use of the range resources. These developments are not secure from attempts at acquisition under the present mining laws.

L. Continued occupancy of mining claims of questionable validity

It has been observed that many mining locators now maintain their hold for years upon lands which have no real mineral value, because it is impossible for the Forest Service to make prompt examinations of all such claims on national forest lands. In the meantime, pending formal examination and protest, the claims prevent administration of the lands by the Forest Service, though the claimants make no attempt to extract minerals from the earth, and frequently occupy the lands for residential purposes or make other uses unrelated to mining.

M. Contesting the validity of claims on the national forests

The Bureau of Land Management has defined "mineral" under the mining laws as "whatever is recognized as a mineral by the standard authorities, whether metallic or other substance, when found in public lands in quantity and quality sufficient to render the lands valuable on account thereof." Deposits of coal, oil, gas, oil shale, sodium, potassium, phosphate, potash, and in Louisiana and New Mexico sulfur belonging to the United States are covered by special legislation. Thus if mineral values are present in national forest lands subject to the General Mining Laws sufficient to warrant a prudent man in further expending his time and money in an effort to develop a paying mine, successful contest of a claim is extremely difficult if not impossible even though surface values such as timber or recreation far exceed the mineral values. Such cases are seldom contested unless there is actual evidence of fraud. It has been observed that a certain class of locators believe all that is necessary is to stake a claim and file a location notice with little or no attempt at mining to give them "ownership" of the land or permit indefinite occupancy or use tantamount to ownership. Contest of all such claims would be financially burdensome so that in most instances only cases of flagrant interference with national forest management are protested except where application for patent is filed. Since there is no requirement that a mining claim be patented it may be held for generations so that the possessors actually come to regard the land as theirs in fee. In the case of many unpatented claims, minerals have long since been exhausted but occupancy continues under possessory claims based on the mining laws.

N. Corrective measures

It seems to be the opinion of miners as well as the public in general that any curtailment of either prospecting or developing mineral products on the national forests should be avoided. This seems to be commonly recognized. However, many believe that the interests of the bona fide prospector and miner can be adequately safeguarded and still revise the mining laws sufficiently, at least, to correct deficiencies which are now in evidence, and to protect the public interest in the non-mineral resources of forest lands.

If the incentive for securing profit from non-mineral resources is removed, this should go a long way toward a more orderly handling of the national forests and at the same time minimize occupancy of mining claims for purposes

unrelated to mining. It is common knowledge that many a claimant locates one or more claims within the national forests without any real intent toward carrying on a bona fide mining operation.

O. Restricting the location of claims to the mineral resources only

One suggested procedure would reserve the surface rights on mineral claims for the Government and the public. This proposal is in no way an effort to curtail the prospector or miner but rather to help in putting a stop to the thousands of locations of claims which have little or no value for mining purposes, but timber, grazing, real estate development, homesites, etc. It seems reasonable to believe that if the public were thoroughly informed on the many instances of such claims, there would be little opposition to the separation of the minerals from the other resources. If such an adjustment in the law were enacted it would tend to stop the current unprecedented interference with orderly forest management which results from the enormous number of mining claims.

P. Leasing or royalty system proposals

Separation of minerals from other resources might logically lead into the possibility of granting leases for the exploitation of mineral resources or granting special use permits to work such resources with a system of royalties based upon production. Such a system would be applicable not only to lode claims but also to placer claims. This should make possible regulations which would insure the proper use of the resources and facilities of the surface.

There is a precedent for such a leasing or permit system. This procedure is already used by the Interior Department under the mineral leasing acts which apply to deposits of oil, gas, coal, oil shale, sodium, phosphate, potash, and in certain areas sulphur. According to a statement from the Indian Service it is understood that prospecting is permitted on the Indian lands but that mining is handled on a rental or royalty basis and the miner does not acquire the other resources which happen to be on the land.

Certain States do not turn over all the resources on a mining claim on State lands at the time leases are granted for the extraction of minerals. In the Philippine Islands the new constitution reserves the minerals and mineral lands for the State and a leasing system is used for development purposes.

Observers who have seen thousands of acres of boulder-strewn placer claims have thought that in handling mineral resources on such areas under a leasing or royalty system, it might then be possible to control the ultimate damage to such areas. A reasonable fee might be charged for the restoration, or partial restoration, of the surface of the land in order to reclaim it from desert conditions which often follow in the wake of large placer mining operations.

Q. Obstacles to correction

Many of the big mining interests which have been interested in developing minerals do not realize the extent to which non-mineral resources are being used and depleted under the mining law. The officials of some of

the largest and most influential mining companies have been astounded when confronted with the facts showing what amounts to thousands of cases of mining locations which are chiefly valuable for non-mineral forest resources.

Even with this evidence of wholesale appropriation of non-mineral assets these concerns are reluctant to propose changes in the mining laws thinking that they will involve the miners in litigation and jeopardize their interests. In this connection it was rather interesting to note the general attitude of the mining industry at the convention of the Western Mining Association at Salt Lake City in August, 1950. Such proposals from the Interior Department, with the objective of abating some of the abuses under the mining laws, did not receive the approval of the mining interests represented at that meeting.

R. Interest of groups other than miners

It is rather well understood that many groups other than prospectors and miners have a definite interest in what is happening to our national forests and their resources. As the general public becomes better acquainted with the abuses which are going on under the present mining laws, it is probable that it will take more of an interest in any revision of the mining laws which will tend to better safeguard our timber, recreational, forage, water, and other resources. It is understood that public pressures in some cases have made it necessary for the Government to buy back certain mining claim areas, the surfaces of which are needed for public use.

S. Difficulties in finding the locations of mining claims

Those in charge of the national forests have been greatly handicapped because of the difficulty or impossibility of determining the location and boundaries of the claim. This is often a serious matter when it comes to making timber sales or allocating areas for special use permits, which might infringe upon a claimant's legal right to exclusive possession of his location. In cases of this kind the Forest Service may inadvertently include lands which are subject to unpatented claims with resultant confusion and expense. This comes about due to the obliteration of boundary marks, or to inadequate descriptions of boundaries in location notices posted on the ground or in notices filed with the County Recorders. It appears that the claims could be much more easily identified if these were described by legal subdivisions, if in a surveyed county, or by well established permanent landmarks.

There are many cases which have been observed where supervising forest officers know nothing of claims having been established on their particular national forest until they happen to stumble on to boundary or claim notices during incidental field trips. It seems reasonable that the administration of the national forests would be made easier and the expense minimized if notice of the mining claim locations were filed with the Forest Supervisor involved.

T. Costs of administering national forest lands

Many national forest administrators feel that the administration of the national forests has become burdensome and unduly expensive in States where the mining laws are applicable. Examining and contesting a mining claim of doubtful validity may cost thousands of dollars before a decision is obtained. If the claim is adjudged invalid the original claimant, or another, can immediately

refile on the same ground. Or, perhaps the original claimant will refuse to vacate the premises. In either case the Forest Service is involved in another round of expense to the taxpayer. Sometimes this seemingly endless contest and expense induces a feeling of futility and the public interest suffers accordingly.

U. Delays in getting action

Some difficulties seem to arise from delays in the examination of claims or in action on contests before the Bureau of Land Management. When a claimant applies for a patent to national forest land it is necessary for the Forest Service to make a mineral examination and report its findings to the Bureau of Land Management, which is the agency authorized to consider such applications, and to hold hearings and render decisions in contested cases.

The number of qualified mineral examiners employed is woefully inadequate to expedite examinations. There also seem to be long delays in getting action on cases after they are submitted. This, no doubt, is unavoidable under present conditions. However, there are cases which have been hanging fire for seven or eight years before final decision--with occupancy of the claims in the interim.

V. The authority on mining claims

In 1897 the mining laws were extended to the public lands reserved for national forest purposes. The mining laws were extremely liberal since they were enacted when the country was being settled, timber was plentiful, and conservation was a new idea. Recreation management of forest lands, watershed management, and sustained timber yield were almost unheard of and seldom considered as important objectives in forest administration. It is readily understood then why there was no differentiation between the disposition of minerals on the unreserved public domain and those on the national forests. The situation has greatly changed today. Prospecting and mining continue to be important in the national forests as elsewhere but there is an imperative need that they be given their proper place in the pattern of multiple use management which has been established for the national forests, the balance of which has been and continues to be upset by the inability of the Forest Service to administer non-mineral resources on mining locations. Many years ago minerals were given a position of dominance over all other national forest values. The pattern of our economy has changed. A readjustment and reconsideration of values in line with present thinking and to care for future needs is essential if our forests are to be preserved, vital watersheds protected, a sustained yield of timber maintained, and outstanding scenic, recreational, and other public values kept for the benefit of the public as a whole.

A watershed may be destroyed by placer operations or valuable stands of timber may pass into private ownership for a fraction of their value merely because minerals are present in sufficient quantity to warrant a prudent man in expending his time and money in the development thereof. The mining laws do not contain an express provision for weighing of relative values or for determining the need for the particular mineral to be exploited. In such a pattern it is difficult for the national forests to be managed for the greatest good to the greatest number in the long run.

In 1906 the Forest Homestead Law was passed and in 1912 the Forest Classification Act was enacted. Under these laws the Secretary of Agriculture was directed to determine which lands in the national forests were chiefly valuable for agriculture and could be eliminated without injury to the national forests. It is imperative to the Nation's future economy that mineral values like other values be considered only on the basis of their relative merits.

W. Future prospectors

It rather appears that much of the exploratory work in the future with reference to mining resources will be done under geological inference idea or under the so-called geophysical operations for actually locating valuable mineral ores. It is probable that this procedure will largely supplant the individual prospector and his hit and miss methods. With this expected change in mineral location procedure it appears that ample provision should be made for investment security in the geophysical prospecting which naturally would require considerable outlays of money. It would seem, however, that ample provision could be made for such exploratory work with assurance of the use of such surface resources as may be needed. Later, with the acquisition of mineral rights and the development of the mine, the disposal and use of the surface resources and rights should remain in the United States for administration and management by the administrative agency having jurisdiction over the lands.

II. The Several Ways in which Non-mineral Resources may be Acquired under the Present Mining Laws

A. Established claim locations which are purchased by a second party

A person who may desire to secure some Forest Service land may acquire an old location by purchase. In this case he would be a legal successor to all previous discovery and development work done on the claim. A valid mining claim is a property right which may be sold like any other property.

In such cases the purchaser often uses the property for various purposes such as resorts, summer homes, cabin sites, night clubs, taverns, etc. even though there is little or no attempt to carry on mining operations. Such misuse can be abated only through laborious and costly legal proceedings.

When a purchaser secures a claim with valuable non-mineral resources in this manner he will frequently try to impress the authorities that his case involves a bona fide mining attempt. If the claim goes to patent then the "lid is off" and the patentee may make any use of surface rights in which he may be interested.

It should be pointed out that in purchasing a location the purchaser secures benefits as indicated above which he would not secure in case he merely jumped a claim which from all appearances seemed to have been abandoned.

The following examples observed by members of the National Forest Advisory Council, will illustrate some of the claims in Group A. The numbers refer to the cases as listed in section V, Appendix.

1. Claims valuable for summer homes: Cases 12, 16, 19, 20, 22, 27, 73.

2. Claims valuable for permanent homes: Cases 10, 12, 18, 26, 53.

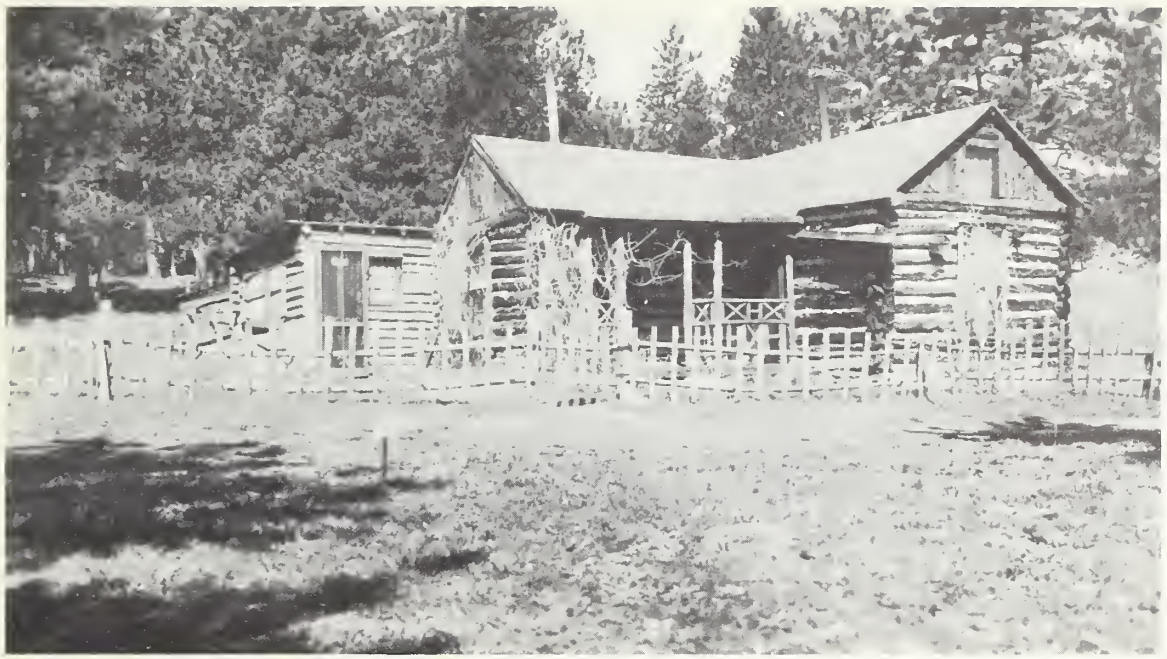
3. Claims valuable for resorts, camps, etc.: Case 18.

4. Claims valuable as real estate: Cases 12, 16, 53.

5. Claims valuable for timber: Case 104.

6. Claims valuable for grazing or range: Case 12.

(See V, Appendix.)



Lode claim on the Roosevelt National Forest, Colo. The claim was secured from the original locator. Patent was protested by the Forest Service charging lack of discovery. Before the case came on for hearing the applicant disclosed additional mineral and the protest was withdrawn. No further mineral development of the claim has occurred, but the inherent grazing, residential, and other values now repose in the patentee.

This picture was also taken on the claim described first above. It shows an old barn and rangeland on the claim. (See V Appendix Case 12.)

Cabin on lode claim on the Roosevelt National Forest, Colo. This claim was purchased from the original locator to provide a home for the purchaser's family. It seems probable that the use of the claim for mining had never occurred to the purchaser. To avoid imposing undue hardship the Forest Service issued a special use permit of limited tenure authorizing the occupancy. This illustrates the case of an innocent person buying a claim upon a mistaken premise. (See V Appendix, Case 10.)

Cabin on lode claim on the Arapaho National Forest in Colorado. In 1948 the claim was purchased from the original locators by an elderly widow. The lady seemed not to understand the mining law but acted in good faith to acquire a home. The unpleasant duty fell upon the Forest Service to notify the purchasher that the occupancy was probably a technical trespass unless she made a discovery of valuable mineral and engaged in mining. (See V Appendix, Case 26.)

Residence on a placer claim on the Roosevelt National Forest in Colorado. A substantial house and garage were built in 1940 and the claim and its improvements were sold. A mineral examination was made when patent was applied for and this disclosed that the claim was of doubtful validity. A subsequent Bureau of Land Management decision held the claim to be invalid. The claimant lives in Denver but according to reports expected to retire to his mining claim. (See V Appendix, case 18.)

House-yard and garage on the placer claim described above. The claim is in a recreational area of high value and is located about a mile from a paved highway in Colorado. The lodgepole pine timber was improved at considerable expense by the Forest Service. This and adjoining areas will no doubt be needed for public recreation. (See V Appendix, case 18.)

Lode claim on the Arapaho National Forest in Colorado. The residence shows in the distance. The present owner purchased the claim (not patented) for $1000. The "miners cabin" in this case was being trimmed up in knotty pine finish with brick and stone fireplace, heatolator, etc. When asked about mineral on the claim he reported that he expected to look for mineral when he completed his building. (See V Appendix, Case 27.)

Cabin on a placer claim on the Roosevelt National Forest in Colorado. The claim was located in 1937 and was transferred or sold several times. In 1945 the owner used the claim as a residence and constructed a second residence he occasionally rented. The Regional Forester filed a protest charging lack of discovery of mineral and lack of good faith. Final decision held for the Government. (See V Appendix, Case 19.)

B. A lode claim may be filed with the contention of discovery of valuable minerals in place but verification of such alleged discovery by an official mineral examiner is difficult or impossible

In some cases the mineral examiner who is checking on the claim may find that the alleged discovery is at the bottom of a drill hole or in a shaft partly filled with water or caved in, or involving other situations which make it difficult or impossible for the examiner to secure samples of the alleged valuable ore.

In cases of this kind the claimants may bring in witnesses who testify that a valuable discovery, shipments of ore, etc., had been previously made. In such cases the examiners may state that in their opinion valuable ore does not exist, but they have no way of proving this contention without going to effort and expense of opening up the mines. In some such cases, however, the Bureau of Land Management has refused to grant a patent where the Government's examiner could not verify the alleged existence of a mineral deposit without removing rocks or other obstructions.

The following are examples observed by the members of the National Forest Advisory Council which will illustrate some of the cases under group B. (See V Appendix.)

1. Inaccessibility of ore for examination: Cases 25, 29.

2. Proximity to an uncovered "vein" of ore: Case 23.

3. Statements of former presence of ore: Cases 7, 16.

C. Filing on a mill site after acquiring title to a valid lode claim by tax deed, purchase or otherwise, to which the proposed mill site will be attached.

In a large majority of cases the alleged mill site is valuable for homesites, resorts, timber values, grazing, or other purposes not related to mining. With a valid lode claim in his possession a mill site claimant may establish certain developments on the area such as a small treating plant, a building suitable for housing mine labor, tool sheds or other structures which could be used for handling the ore from a going mine. In this way it is often possible for him to secure patent of the mill site. Too often, after the patent is secured, mining possibilities of the lode claim seem to fade rather rapidly out of the picture, and the mill sites are used for non-mining purposes. It is often evident to the administrators that mill sites patented in connection with lode claims contain resources the great public value of which was not generally recognized at the time the mining laws were framed many years ago.

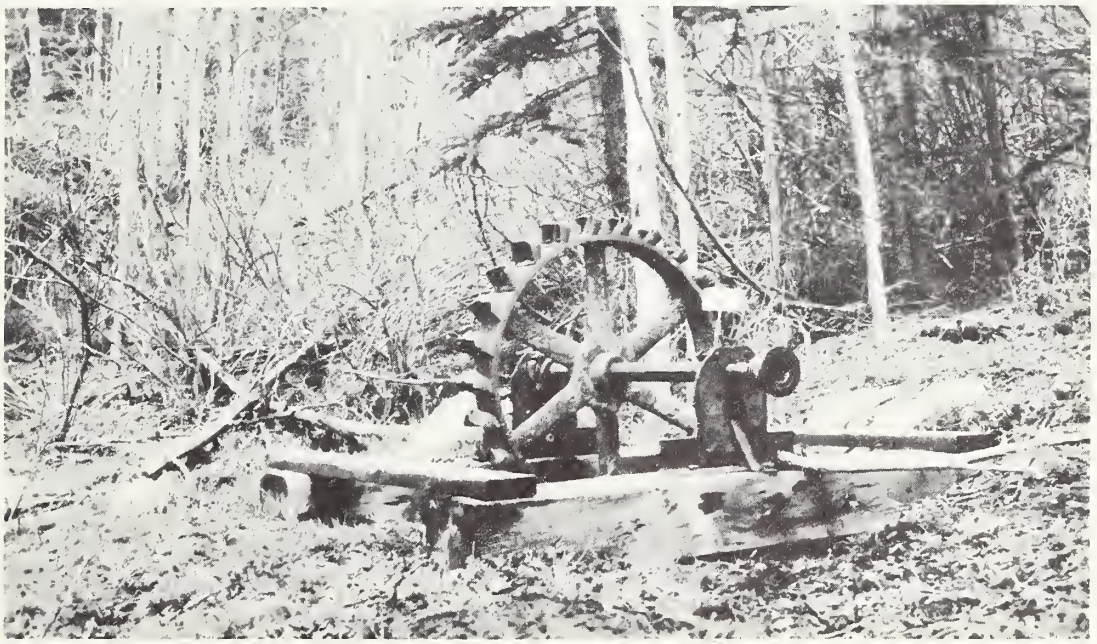
The following claims will illustrate some cases under group C which are involved in mill sites. (See V Appendix.)

Cases 7, 29, 31, 32, 35, 64, 65.

Lode claim on the Arapaho National Forest, Colo. This claim started as a real mining venture. Little or no ore was found. The owner allegedly wished to get patent to the claim in order to sell for summer home purposes. Patent application required a mineral examination but the shaft was full of water and the sides caved in--making examination impossible. (See V Appendix, Case 25.)

Summer home built on a mill site claim on the Arapaho National Forest, Colo., on main highway 40. The structure was built after claimant was notified that the Forest Service doubted the validity of the supporting lode claim. This illustrates one of hundreds of examples where valuable summer home sites are embraced in claims of doubtful validity. (See V Appendix, Case 31.)

Building on mill site claim on Arapaho National Forest, Colorado. This mill site, not known to have been used for milling ore, was sold contingent upon securing patent from the Government. A down payment of $2500 was paid on $6000 contract by two women who were conducting a boys camp. After objection by the Forest Service the contract was dissolved and the claim passed to patent. (See V Appendix, Case 32.)



An old pelton wheel on the mill site described under picture at top of page. This equipment had not been used for many years, if at all. (See V Appendix, Case 32.)

Cabin on mill site claim on Carson National Forest, New Mexico, in heavily developed Red River Recreational Area. Certain of the supporting claims are deemed valid. The mill site is taken upon lands of high recreational value. (See V Appendix, Case 35.)

D. Location of a number of contiguous claims; some of which are apparently valid, others having some color of validity because of the presence of slight amounts of minerals, and still others lacking in any mineral showings. All claims with valuable surface resources such as timber, forage, homesites, resorts, and in some cases minerals.

When one person locates several claims in the same vicinity, some of which are admittedly valid he frequently urges that discoveries on the valid claims supply ample proof of the existence of valuable minerals in the adjoining claims, though there is no direct evidence that such claims have mineral value. Too often, such claims have important surface values such as recreation sites, timber, water, grazing areas, etc., and the claimants give little or no evidence of intent to develop the mineral possibilities.

Some illustrations observed by the Advisory Council, which seem to fall in group D are indicated by the following claims:

1. Claims valuable for summer homes: Cases 11, 13, 37, 62
2. Claims valuable as real estate: Case 38.
3. Protection of investments in mining developments on adjoining claims: Cases 80, 81, 99.
4. Claims valuable for minerals: Case 3.
5. Claims valuable for timber: Cases 99, 120.

(See V Appendix.)

E. Location of valid claims with high timber or other surface values. Mineral resources worked sufficiently to justify patent under the mining law and then the more valuable surface resources exploited.

Valuable surface resources often pass to private ownership when a mining claim is patented. Such values may exceed those of the minerals present. Once title to the claim is in private hands the surface resources become private property and the public sustains a loss of valuable forest assets.

Some observed cases which fall in group E class are the following:

1. Claims valuable for summer homes: Cases 13, 57, 62, 74, 79, 93.
2. Claims valuable as real estate: Cases 55, 57, 62, 68.
3. Claims valuable for dude ranches, camps, resorts, etc.: Cases 13, 54, 55, 79, 86, 93.
4. Claims valuable for timber: Cases 45, 74.
5. Claims valuable for grazing or range: Case 74.

(See V Appendix.)

Dwelling on placer claims on the Northfork of the Salmon River, Idaho. The claims were patented in 1937 but no mining in any amount has been done since title was obtained.

Same claims as above showing clearing which has been made for a new residence. Had it been possible to reserve the surface rights to the government this site could have been used to meet the rapidly growing need for public recreational areas on the national forest.

A patented placer claim in Idaho which showed sufficient mineral to give title under the mining laws. This claim remains undeveloped as a mining venture but the surface resources have been used for other purposes.

Another patented placer in Idaho has seen little or no mining since title was acquired. Many such claims have been taken under the mining laws and subsequently devoted to uses unrelated to mining.

Ponderosa pine stand on a patented placer claim on Sheep Creek on the northfork of the Salmon River in Idaho. No recent mining operations have been undertaken. If the patent had been restricted to minerals, and the non-mineral resources had been reserved for public use, this timber would have been saved and included in timber sales of the Forest Service.

Dwelling on a lode location on the Roosevelt National Forest, Colorado. The claim appears to be valid. The owners reside here and conduct a resort enterprise on adjacent patented claims. (See V Appendix, Case 13.)

F. Association placer claims based on valid discovery of minerals (including gravel, sand, stone, cinders, pumice, etc.), on lands which are valuable for timber or other non-mineral resources or for real estate ventures.

When an individual locator files one or more placer claims of 20 acres each, they must be validated separately by discoveries. However, two co-locators may file on 40 acres and in that case one discovery is sufficient to support the entire 40-acre claim. If eight co-locators file on 160 acres, then again one discovery is sufficient to justify the association placer claim. One such locator may then secure the claims of his co-locators by quitclaim deed, after which he may take possession of the surface resources which often are more valuable than the minerals. This practice is especially serious where placer claims are located on lands which have substantial values for timber, recreation, summer homes, or real estate development, and the lands contain pumice, gravel, building stone, or metallic minerals in quantities sufficient to justify patent.

If the Forest Service can prove that one or more 10-acre legal subdivision of an association claim are not placer in character, it is possible to obtain a decision excluding such land from the patent. However, the Forest Service has the burden of ascertaining and proving that such land is non-mineral, since the claimants are not required to prove that mineral exists on any part of the association claim other than the small area at one discovery point.

One example of a claim which appears to fall in group F is the following:

1. Claim valuable for real estate and business sites: Case 5.

2. Claim valuable for road gravel: Case 5.

3. Claim interfering with administration: Case 5.

See V Appendix.

G. "Salting" a claim in an attempt to mislead mineral examiners on the values and amounts of minerals present.

Although this device has sometimes been used in the past it is usually difficult to establish a valid discovery by the so-called "salting" process. In other words, if foreign mineral is brought in to a claim, which is up for validation, it is usually rather easy to detect this type of fraud. It is understood that this practice is now rather rare. In the inspection work of the National Forest Advisory Council there was no claim observed on which it was thought that an effort toward this type of fraud had been undertaken.

Discovery cut on placer claim on the Arapaho National Forest in Colo. A good bed of gravel underlaid the surface of this and adjoining areas. The area was at the junction of two main highways. (See V Appendix, Case 5.)

Same placer claim as described at top of page. The claim was located in 1941 by eight persons, two of whom soon acquired the interests of the co-locators totaling 160 acres. Because of the extensive gravel bed and substantial sales of gravel it seemed futile for the Forest Service to protest patent. The fact that the claim is located at the junction of two important highways gives it a high potential value for filling stations or other uses. This illustrates the inability of the government to protect the public interests under the present mining laws. (See V Appendix, Case 5.)

H. Location of mining claims which obstruct uses of the national forests; "Toll" exacted.

In a good many cases mining locations interfere with Forest Service timber sales, where access roads must cross the claims. Many claimants demand payment for permission to cross either patented or unpatented claims. In a good many cases when a lumber company is buying national forest timber it would rather pay for a right-of-way across the claims than be delayed on the timber sales. Needed developments, such as power lines, public roads, recreational areas, and others are frequently constructed under the same handicap or actually blocked.

Some locations observed by the Advisory Council which illustrates group H claims are the following:

Obstructing water development: Case 6.
Involving roads and timber: Cases 87, 91, 114.
See V Appendix.

Hughes Creek timber access road on Northfork of Salmon River, Idaho. Claimants of unpatented mining locations held up the construction of the road and considerable effort had to be made to secure rights-of-way through the locations. Claimants secured the privilege of purchasing the timber on the rights-of-way and then made resale at a profit to a sawmill operator.

Mill site at the mouth of Deep Creek. Claim interferes with the orderly expansion of the Deep Creek Public Service Camp. This campground is a popular one and at present is too small to accommodate the public that uses it as a fishing and hunting camp. The mill site adjoins the recreation area. It is being used for residential purposes.

Three claims on Trail Creek block the road up Trail Creek to use by recreationists, and interfere with the use of the range above the claims. The canyon sides are too steep to travel. The claimant objects to the use of the road by hunters and by the permittee whose range lies above his claims. The claims are being farmed. Little mining has been done.

These claims on Beaver Creek prevent proper use of the range by blocking the natural trails and the road to large areas of good range, requiring the permittee to drive his stock several miles to get at the range. Used for farming.

I. Claims of uncertain validity having substantial values other than minerals.

This group involves hundreds if not thousands of claims on the national forests. These claims have limited questionable showings of a mineral discovery. Such locations often tie up forest resources and high values for more or less indefinite periods; e.g., timber, summer home sites, public recreation areas, etc. This group presents one of the most serious threats to proper management and administration of the various resources and uses of the national forests.

Claims in group "I" visited by one or more members of the National Forest Advisory Council are the following:

1. Valuable for summer homes: Cases 2, 9, 14, 17, 19, 20, 24, 29, 30, 31, 33, 35, 36, 49, 59, 84, 92, 94, 95, 98, 102, 103, 109, 112, 118, 121, 124, 125.

2. Valuable for permanent home: Cases 10, 17, 18, 21, 26, 27, 43, 51, 52, 55, 59, 61, 108, 110, 111, 117.

3. Valuable for resorts, camps, hunting cabins, etc.: Cases 9, 60, 85, 92, 95, 108, 121, 125.

4. Valuable for real estate and business sites: Cases 19, 25, 29, 32, 33, 34, 35, 36, 43, 46, 49, 55, 59, 60, 61, 67, 102, 103, 108, 109, 113, 121, 122, 124, 125.

5. Valuable for public recreation areas: Cases 34, 42, 60, 124, 125.

6. Valuable for administrative site: Case 113.

7. Valuable for experimental area: Case 63.

8. Valuable for timber: Cases 23, 27, 71, 75, 77, 78, 100, 101, 105, 106, 107, 114, 115, 116, 119, 120, 121, 126.

9. Valuable for grazing: Cases 1, 2, 63, 83, 84.

10. Interfering with administration, road access, recreation, etc.: Cases 4, 9, 42, 51, 60, 77, 83, 85, 90, 92, 100, 101, 105, 106, 113, 114, 116, 117, 124, 125.

(See V Appendix.)

House on granite placer on the San Isabel National Forest in Colorado. The claim has produced some good quality granite. Thousands of acres of similar granite outcropping are found on the forest. Patent may be possible under the law and if this should occur it might mean that large areas of this forest would soon be covered with claims. It was interesting for the Council to note that the supervisor has copy of an offer to sell the surface rights to cattlemen for grazing at a price of $1500. (See V Appendix, Case 1.)

House on lode claim on the White River National Forest, Colo. The mineral claimed in this case was gravel, and it appears it should have been located as a placer instead of a lode claim. It is in an area of high recreational value--being located 1/4 mile from a main paved highway. (See V Appendix, Case 2.)

House on a lode claim on the Roosevelt National Forest in Colorado. The claimant cleaned out a few old, shallow mine workings but performed little, if any, other mining work. The claim is near a paved highway and has high potential values for recreation; e.g. summer homes or resorts. The Forest Service filed protest against this location charging lack of "discovery," and claim was cancelled by the Bureau of Land Management.

Building on a mill site location having high recreation values on the Coronado National Forest, Arizona. The claim was protested by the Forest Service and charges that the mill site was not used for mining and milling purposes were sustained. (See V Appendix, Case 64.)

Unpatented claim on Salmon National Forest, Idaho, used for yearlong residence purposes. Mineral examination showed extremely meager ore values. The claim is located within a reserved strip dedicated for the preservation of the scenic values along a U.S. highway.

This cottage is one of many in the Mt. Lemmon area in Arizona. Mining claims with little or questionable mineral values were located in this resort area on the Coronado National Forest. Recreation values in this vicinity are unusually high. Had the mining laws divorced the surface resources from the mineral values this conflict of use would not have arisen. (See V Appendix, Cases 59 and 60.)

Coconino National Forest, Arizona.--Building stone claim at junction of two U.S. highways. An excellent "real estate" location on highway near Flagstaff; claim fronts along highway fence. There has been some question regarding the commercial value of the stone occurring here. The site would be suitable for building lots as Flagstaff expands. (See V Appendix, Case 46.)

Prescott National Forest, Arizona.--A highway tavern now constitutes the use of a mining claim patented a few years ago on the Prescott Forest. In this case a small mineral value was shown which was sufficient under the mining law to establish validity. (See V Appendix, Case 54.)

Timber on unpatented claims on the Lassen National Forest in California. These claims occupy 880 acres with a good stand of timber. No mineral of any value was found. Reports state that the claimant gave verbal permission for the Forest Service to include some of this timber in a timber sale. It was understood that later the claimant brought a $75,000 damage suit against the lumber company for the timber cut. This case illustrates the necessity for the Forest Service to secure the formal consent of the claimant to take timber from his claim even though the claim may be of questionable validity. (See V Appendix, Case 114.)

Picture shows the extremely heavy stand of Douglas fir timber in the Lennox Creek area on the Snoqualmie National Forest in Washington. Hundreds of mining claims have been located in this general area. Many of the claims contain timber values up to $4000 to $5000 per acre. (See V Appendix, Case 119.)

A heavy stand of Douglas fir timber on unpatented mining claims on Lennox Creek on the Snoqualmie National Forest in Washington. If it should be possible to secure patent to areas of this kind as mining claims it would be a serious blow to the national forest resources. If the laws are changed to reserve the surface resources such timber stands will be excepted from the operation of mining claims which are located thereafter. (See V Appendix, Case 119.)

Lennox Creek area on the Snoqualmie National Forest, Washington. Picture was taken on one of about 300 mining claims located in this region. It is reported that these claims cover about 5000 acres of the best timber land in the country. Some single acres contain better than 150,000 board feet of timber. It is estimated that these claims have a total of 400 million board feet with a value conservatively estimated at 12½ million dollars. If anything like paying quantities of mineral are found it is likely that the timber can be secured under the mining law. This is the most critical situation observed by the Advisory Council. (See V Appendix, Case 119.)

Picture of a "blow-down" area on the Randle District on the Gifford Pinchot National Forest in Washington. Much of the "blow-down" is on pumice mining claims. Although the validity of these claims is questionable they nevertheless interfere with the salvage of this timber. Procedures for determining validity are commonly very time consuming. (See V Appendix, Case 116.)

Another "blow-down" area on Woods Creek on the Gifford Pinchot National Forest, Washington. Mining claims have seriously interfered with the disposal of this timber before it becomes worthless.

Timber on claims on the Snoqualmie National Forest in Washington. Many of the individual trees contain 5,000 to 10,000 board feet of lumber.

Trees of large volume being prepared for logging. Picture on claim on the Snoqualmie National Forest in Washington. No substantial mineral values are evident. (See V Appendix, Case 119.)

Unpatented claim on the Salmon National Forest, Idaho. The ranger is examining a cut made with a bulldozer by the claimant. In 1948, the claimant wanted to remove the timber but did not desire to let the Forest Service sell it and immediately thereafter applied for patent on the claim.

The discovery pit on a claim on the Rogue River National Forest in Oregon. In this case the surface of the ground is gouged off with a bulldozer exposing a layer of pumice. Thousands of acres are underlain by pumice which is a mineral subject to location under the mining laws when present in such quantity and quality as to support a claim. These lands have great public value for timber and other non-mineral resources.

III. Some Additional Observations of the National Forest Advisory Council and Others

A. Valid claims which have a harmful effect upon national forests or adjoining resources.

1. Damages from placer mining: Cases 69, 70, 76.

2. Interfering with national forest management and administration: Cases 40, 41, 44, 72, 80, 81, 89.

3. Destruction of surface land values: Cases 40, 41, 44, 88, 97.

4. Damage from timber cutting: Case 72.

5. Damage from grazing: Case 72.

6. Damage from pumice mining: Cases 40, 41, 44, 48.

(See V, Appendix.)

B. Some bona fide mining operations.

1. Quarrying flagstones: Cases 47, 56.

2. Mining cinders: Case 48.

3. Antimony, tungsten and associated minerals: Case 80.

4. Pumice operation: Case 123.

5. Zinc mining operation: Case 3.

(See V, Appendix.)

C. Some areas affected by various executive orders, congressional actions, etc.

Cases 60, 63, 83.

(See V, Appendix.)

Placer claims, Santa Fe National Forest, New Mexico. This is a large operating pumice mine. Large quantities of pumice are being shipped. The land is stripped off with bulldozers without any reference to the timber. This stripping was in progress without the knowledge of the Forest Service. No restoration of the surface is made after mining. (See V Appendix, Case 44.)

Santa Fe National Forest, New Mexico. Showing erosion of base soil after the pumice layer has been removed. There is no legal requirement for the restoration of such areas after the mining. If such mining were handled on a permit or lease basis partial restoration might well be required. (See V Appendix, Case 44.)

Santa Fe National Forest, New Mexico. Pumice mining goes on throughout the Paliza Canyon Recreation Area. Note timber stand being wasted by the excavation work. No land restoration is provided. This excavation is hard by a picnic ground having thousands of users each year.

Kaibab National Forest, Arizona. Highway cinder pit. Placer location by Highway Department employee, Yuma, Arizona. Worked without regard to timber requirements or restoration needs. Note tractor skinning off timber on slopes.

Pumice claim on the Deschutes National Forest in Oregon. According to reports this is the oldest pumice operation in the region and was the only one on the Deschutes National Forest which was operating in 1950. Although the above is a going operation thousands of acres of shallow pumice beds of doubtful commercial value are being located in this region. (See V Appendix, Case 123.)

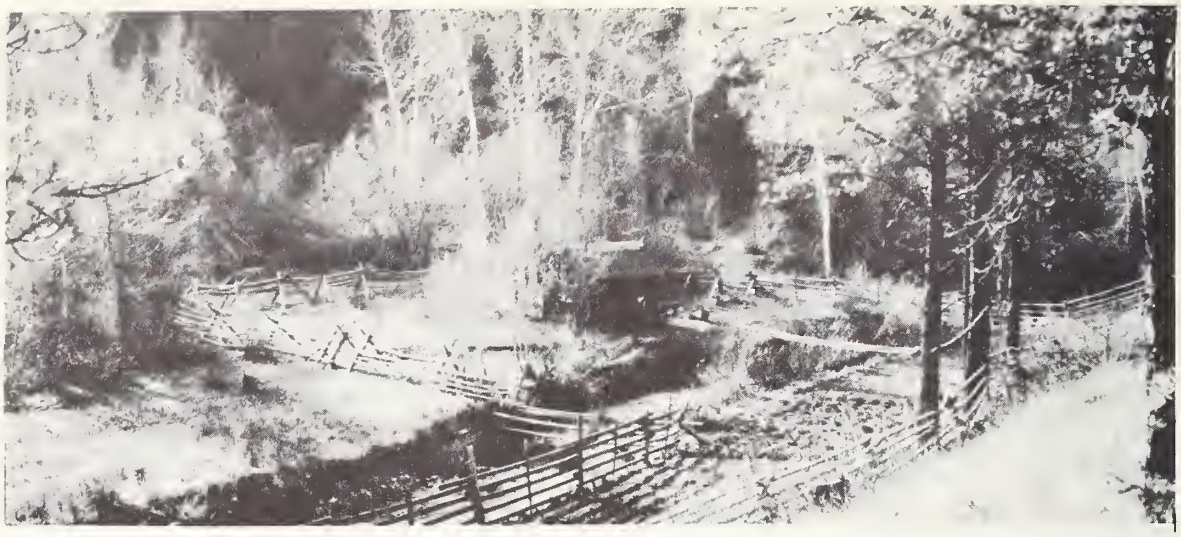
An area (Silver Fork) on the Wasatch National Forest in Utah which has been almost completely taken over for summer homes. This is an old mining area covered by many patented claims. The disposal of these building sites to private persons has greatly handicapped the Forest Service in providing public recreation districts in the West. If it had been possible for the government to reserve the surface for public use a more orderly development might have been attained.

Resulting terrain after a dredging operation on the Northfork of the Salmon River in Idaho, on a patented claim. Thousands of acres of crop and pasture lands have been destroyed on mining claims. In the long run the public interests might have been better safeguarded if marginal placer land had been used for annual crops or timber.

Dredge piles at the mouth of Volter Creek on the Northfork of the Salmon River, Idaho. The present law does not require any restoration of such areas. If such placer mining operations were handled on a permit or leasing basis, a small charge could be made for partial restoration. Marginal profit ventures would be eliminated.

Patented placer secured under the mining laws on the Salmon National Forest in Idaho. Three million feet of timber were cut on the area in a destructive manner. After the timber had been cut the property was sold. The land had not been mined. The fire hazard created by the slashings left on the land has menaced the national forest and adjoining lands.

Sheep grazing on patented placer on the Salmon National Forest, Idaho. This land which is not now controlled by the Forest Service is badly over grazed, resulting in a minimum of forage production as well as threatening adjoining forest lands because of possible erosion of the soil.



Yearlong residence on unpatented mining claim on the Salmon National Forest in Idaho. A Government timber sale was disrupted because the claimant objected. Under the law permission to cut the timber is necessary. Had the mineral and surface rights been separated on the claim, the timber resource could have been cut when scheduled. Thus, the administration of the national forests would not have been disrupted and the mineral rights would still be intact for the claimant.

Mouth of Dump Creek on Salmon River, Idaho. Heavy erosion caused by diversion of a natural stream bed. The sediment deposit in Salmon River at this point is damming the main river and causing excessive cutting for more than five miles downstream because of increased velocity of the water.

A portion of the main Sonora Pass Highway on the Stanislaus National Forest, California. Picture taken in the vicinity of Long Barn. Hundreds of mining claims have been located on or near this well traveled highway. There is little evidence of minerals of value but the summer home possibilities are large. (See V Appendix, Case 102.)

Another view from the Sonora Pass Highway overlooking placer claims which join the Long Barn subdivision. The Toulumne County records show 249 locations or re-locations made by one party and associates who are interested in the Long Barn real estate development. These claims are disrupting orderly development of the national forest. (See V Appendix, Case 102.)

Mining claim, reportedly purchased from real estate promoters near Long Barn, California. This picture shows the discovery hole. The location notice may be seen in the tobacco can, on a tree back of the pit. (See V Appendix, Case 102.)

Placer claim near Long Barn on the Stanislaus National Forest. This summer home is one of the developments in the Long Barn real estate area. (See V Appendix, Case 102.)

IV. Conclusions and Recommendations to the Secretary

A. General policy considerations

1. The National Forest Advisory Council recognizes that the major objectives in laws concerning land resources should be concerned with the most effective use of all the resources, on a permanent basis, in the interest of the nation. With this objective in mind the Council makes this report concerning the mining laws as they affect the national forests and stresses the general policy considerations involved.

2. The Council recognizes that mineral resources are vital to the country's economy and that no adjustments in the mining laws should be enacted which would either tend to curtail prospecting for minerals or to discourage actual mining operations.

3. The general mining laws seemed to be appropriate at the time of enactment when the need for conservation of natural resources was not considered important in the national interest. Today surface resources and other uses of the national forests have assumed an important status along with the development of mineral resources.

4. Modifications in the mining laws can be made with little or no interference with either the mineral prospector or the bona fide miner. Aggression of the fictitious miner often prevents the sound management and wise use of the national forests, including, at times, productive mining operations.

5. The survey and study which have been made by the National Forest Advisory Council show very conclusively many misuses of national forest land, under rights or claims of right based on the mining laws, which should be corrected in the national interest, and in order to permit the Secretary of Agriculture and the Forest Service to carry out their responsibilities in protecting and administering the national forests.

6. The Advisory Council recognizes that a more adequate and expeditious administration of the present laws and regulations would help in curtailing some of the abuses current on the national forests, but doubts that much improvement could be effected without inordinate expenditure of time and money. It is believed that an adequate solution to this problem can only be attained by enactment of some fundamental changes in the basic mining laws.

B. Specific recommendations

The following recommendations cover the three specific questions presented to the Council by the Secretary concerning: (1) Timeliness of action, (2) forms of revision and (3) development of public understanding:

1. Timeliness of action: The National Forest Advisory Council believes that there should be no further delay in making reasonable revision of the mining laws.

(a) Under the present law it is impossible to prevent the appropriation of national forest timber; water resources and watersheds; grazing resources; and summer home, residence, camp and resort tracts, where valid mining claims have been located and the claimants have fulfilled all requirements for obtaining patents. This not only makes heavy inroads on the resources but also seriously interferes with orderly management of the forests.

The national forests were wisely set aside from private appropriation under the laws which relate to non-mineral lands, for conservation and management as public resources. The patenting of mining claims places an ever increasing acreage of the national forests into private hands. The surface resources are thereby lost to the multiple purpose management program designed to serve the public interest.

(b) The Bureau of Land Management recognizes the urgent need for revision and has already advocated such.

(c) Some groups--informed on the abuses resulting from the application of the mining laws--are in favor of changes in the laws.

(d) The Izaak Walton League has already passed resolutions for changes in handling minerals on public lands. This is a commendable action on the part of this nation-wide organization which has had a longstanding interest in all phases of conservation. This organization recommends that: "the applicable United States Mining Laws be repealed and in lieu thereof a leasing and permit system be substituted," subject to the consent of the agency having jurisdiction of the lands. It is not clear to the Council, however, that such a complete change as the Izaak Walton League recommends would gain Congressional support at this time. Some modification, therefore, of the League's recommendations might be more practical.

(e) The public demand for adjustments in the mining laws is increasing.

(f) Although opposition to any changes by some of the mining interests and others will be made, it is believed this opposition will not differ greatly now or later.

(g) "Time is running out" with respect to our national forest resources, and the urgency for immediate adjustments in the laws greatly offsets assumed advantages of delays which might be proposed because of military preparations and the resulting need for mine products.

(h) The Council believes that the present international situation is such that this nation can best defend itself over the longer period of time, that is likely to be involved, by careful management and wise use of the surface resources of the national forests. This careful management and wise use can best be achieved through the sustained yield management of the surface resources rather than by frenzied exploitation.

2. Separation of mineral and surface rights should be provided in the mining laws.

   (a) The claimant should obtain rights to the minerals and the right to use so much of the surface as is reasonably necessary for the development of the minerals.

   (b) The United States should retain the surface and surface resources, and the right to use them in so far as not to interfere unreasonably with the development of the minerals.

   (c) Patented claims under the mining laws should be limited to mineral rights and the right to use the surface as reasonably necessary for the development of the minerals.

   (d) The foregoing objectives could be accomplished by the enactment of a law patterned upon previous acts of Congress with respect to mining locations on certain areas of the Prescott, Mount Hood and Lincoln National Forests. Those statutes are collected in Title 16 of the United States Code, at 482(a) - 482(e).

3. Sand, gravel, stone, cinders, pumice and other materials suitable for building purposes should be removed from the purview of the mining laws and disposal of these substances should be authorized by lease or permit under regulations prescribed by the head of the Department having jurisdiction over the lands.

4. Placer mining should be removed from the purview of the U. S. Mining Laws, and all placering operations (except for substances enumerated in paragraph 3 above) should be authorized by lease or permit issued by the Secretary of the Interior under such regulations as he may prescribe, and subject to the consent of the Department having jurisdiction over the surface.

5. Mill site patents should grant title to the surface, but with a reversion clause providing that if the mill sites cease to be used for mineral purposes, title shall revert to the United States.

6. All mining claim locations should be recorded with the Bureau of Land Management and should be described in accordance with regulations prescribed by the Director.

7. Development of understanding and public support. A considerable segment of the mining profession has a sketchy understanding of the extent of abuses which now exist under the present mining laws. It is little wonder that the average citizen, taxpayer and joint-owner of the national forests, knows little or nothing of the various ways by which non-miners can and do acquire forest resources never contemplated by the Congress when the basic mining laws were enacted. The average citizen, not in direct contact with federal laws and regulations, assumes that laws enacted by Congress eighty or more years ago serve the public as effectively now as formerly, when the conservation and protection of such resources was only a visionary and nebulous idea.

The public is entitled to have an understanding of how our public resources are being managed and how some of these are being dissipated under the old mining laws. An understanding public will support adjustments in these laws which will at least tend to correct some of the abuses whether these be by the poorly informed victim, the opportunist, the promoter or the near-racketeer.

(a) The following program might well be undertaken to get the public informed: Prepare factual material on the mining claims situation for organizations, agencies and individuals on request.

(b) Educational slides and motion picture films might be prepared to show, in all fairness, the contributions that legitimate mining on the national forests make to our economy and at the same time the damages that the abuses under the mining laws are doing as well as the failure of the mining laws to take cognizance of other values in our national economy. Such slides and films could then be available for schools, associations and organizations as mentioned above.

V. APPENDIX

A. Case reports from the field involving cases 1 to 126 inclusive

As a part of the study of the mining law situation on the national forests, the National Forest Advisory Council members had an opportunity to see, at first hand, a number of cases where mining claims cover non-mineral resources of such great value that there is a misuse of public property when the resources pass to private ownership by operation of the mining laws. It is believed that, between the members, a fairly good cross section of the various misuses was obtained. The inspection covered some cases in each of the six western Regions of the Forest Service and involved about fifty of the national forests. In all cases the inspection was made with the assistance of Forest Service mineral examiners, regional staff members, supervisors or district rangers.

The inspection was made during the period from August 1 to September 23, 1950, first in the Colorado Region with 33 cases, followed in the Southwest with 35 cases; Intermountain Region with 25 cases; Northern Region with 8 cases; California Region with 14 cases; and the Pacific Northwest with 11 cases. In several instances the Forest Service provided the Council with data relative to events subsequent to the time of the inspection. When such data tended to clarify or complete a case they have been incorporated in the case resume.

Cases 1 to 8 in Colorado were inspected by Professor G. B. MacDonald and Cases 9 to 33 by Dr. Jonathan Forman and Professor MacDonald. Cases 34 to 103 respectively in Arizona, New Mexico, Utah, Idaho, Montana and California were visited by Professor MacDonald. Cases 104 to 115 in California were covered by Dr. R. R. Renne and Professor MacDonald. Cases 116 to 119 in Oregon and Washington were inspected by Professor MacDonald and cases 120 to 126 were visited by the entire Advisory Council--Dr. Forman, Dr. Renne and Professor MacDonald.

Most of the pictures shown in the report were furnished by members of the Forest Service. A few are from Kodachromes taken during the inspection trips.

1. Mining claim having high value as range land

a. Case No. 1.

b. Location of claim: San Isabel National Forest, Colorado.

c. Resume of case: This placer claim, based on the discovery of granite, was located in 1941 by eight co-locators. All interests were later acquired by the present owner who obtained patent covering 144 acres.

A considerable amount of work has been done on a small area of this land; the granite appears to be of fair quality and moderate amounts have been taken out from time to time. The production area does not exceed five acres.

One of the Advisory Council members saw a copy of a contract between the claim owner and a local cattleman in which the latter agreed to purchase the surface of the entire claim, except as might be needed for quarrying operations, for $1500 if and when patent should be issued.

It is believed that the patenting of this claim may possibly set a precedent under which other claimants (for granite) could secure many thousands of acres of land on the San Isabel National Forest which has similar outcroppings of the same type of granite. In other words the Forest Service may find it difficult or impossible to prevent acquisition of valuable grazing areas on the national forests under mining claims based on the discovery of building stones.

2. Mining claims of high public recreational value used for summer homesite.

a. Case No. 2.
b. Location: On White River National Forest, Colorado.
c. Resume of case: Claim was located in 1937 as a lode claim but perhaps should have been located as a placer claim, since a mineral which has been obtained (gravel) is subject to entry under placer claims and not under lode claims.

Some gravel has been taken from the claim and sold. The bench land of the claim is highly valuable for summer residence purposes as well as for a public recreational area. The claimant has constructed a house on the claim. The location is within one quarter of a mile from a new paved highway.

3. Large zinc mining operation.

a. Case No. 3.
b. Location: White River National Forest, Colorado.
c. Resume of operation: The operations of this company are entirely bona fide; it has carried on extensive mining operations for many years. At the present time the company probably owns over 2000 acres of patented mining claims in this vicinity and in addition probably has 100 lode locations. There is one element, however, which is of considerable interest as it affects mineral discovery on its unpatented claims. The great ore deposits of this district are chiefly of the "manta" or "blanket" type and occur as replacements in a sedimentary series of rocks with a more or less horizontal attitude. The replacement zones are largely confined to strata, or beds, normally deeply buried. As a consequence it is exceedingly difficult, if not actually impossible, to establish a clear-cut discovery of valuable mineral at or near the surface. Moreover, to establish such discovery 1500 or 2000 feet below surface is an exceedingly costly process. Most mining companies are entirely unwilling to expend such sums on a claim or claims until this has been perfected. Their reluctance is understandable in light of costly litigation which has sometimes followed development of rich ore deposits on unpatented claims.

In the circumstances outlined above resort is commonly had to more or less indirect methods of establishing valid discovery. In this process a certain amount of geologic inference might be invoked of necessity. But geologic inference, of itself, has not been accepted as a valid basis for "discovery". Nevertheless, the inherent nature of blanket ore bodies and the economics of developing such deposits

force a measure of compromise if the operating company is to develop such properties within the ordinary limits of business risk. Applicants for patent in such instances commonly rest their cases upon such factors as "indicator" traces of minerals, natural mineral associations, related replacement phenomena, geologic structures, and "halo" effects.

The mineral examiner, examining claims falling in this category, is faced with a difficult and exacting task if his recommendations concerning a patent application are to be equitable and in accord with the mining law. There seems to be but a single test or measure by which he may gauge his judgments, i.e., Is there acceptable evidence that the claims contain mineral of such quantity and quality as to justify the expectation that a paying mine can be developed? In applying this test it is reasonable to give recognition to the fact that an applicant actually has expended time and money in exploring for minerals, and is ready and able to conduct mining operations. It is essential of course that some valuable mineral, however little it may be, has actually been found upon each of the claims embraced in the application.

It seems clear that those who drew the mining laws of 1872 were little versed in the nature of blanket ore deposits. Miners operating upon such deposits have always been faced with a difficult and often frustrating task to validate their locations pending major development of the properties. Undoubtedly any proposal to change the mining laws should take cognizance of this situation.

If the mining laws were redrawn so as to separate the surface rights from the mineral rights this problem of the miner would be mitigated in large degree. With such a separation it might well be that indirect evidence and well grounded inference could be given much greater weight in proving "discovery"; the public interest would not be nearly so vulnerable and the bona fide miner would be much freer to apply the principles of modern geophysics, deductive geology, and other recognized methods leading to logical inference.

4. Mining claim of high recreational value adjoining a national forest public camp.

a. Case No. 4.
b. Location: White River National Forest, Colorado.
c. Resume of case: This claim illustrates an operation where the claimant is prospecting for valuable minerals. At the present time no valuable mineral has been discovered. However, a sizeable shaft has been dug and the prospector seems

to be diligent in his effort to find valuable ore. It appeared to the Advisory Council member making this inspection that the necessary amount of assessment work was being done annually.

The claimant lived on the claim at least for a part of the year.

Although this claim lies next to a public camp area it is located on a slope considerably above the camp. So far there has been no disturbance of public camp activities and it seems probable that the Forest Service will not protest this development unless it should later definitely interfere with the recreational use of the national forest.

5. Potential public service site at the junction of two main highways taken by an "Association Placer Claim".

a. Case No. 5.
b. Location of claim: Arapaho National Forest, Colorado.
c. Resume of case: This placer claim was located in 1941 by eight co-locators. Six of the colocators soon quit-claimed their interests to the remaining two who now have 160 acres. Under such an arrangement one valid discovery is sufficient for the entire 160 acres.

The State Highway Department secured gravel from this location before it was known that a claim had been established. The highway department paid the claimants a total of about $1600 for gravel which had been secured or later would be hauled from the area.

Mineral examination indicated that there was gravel in large quantities which could be claimed as a valuable mineral, and it was determined that the Forest Service would not be warranted in protesting the issuance of a patent to this tract of 160 acres.

It appeared to the member of the Advisory Council inspecting this area that this land which is at the junction of two main highways should have been retained under federal control. However, under the present mining laws, protest of patent for these areas would probably have been futile. This tract, being at an important highway junction, has high potential values for public service enterprises such as gas stations, lunch rooms, resorts, etc. These uses would seem to be appropriate to the area involved and if it had been possible to sell the gravel or dispose of it under a leasing system, it would then have been possible for the Forest Service to issue permits for the development of land at this important highway junction and collect fees from the permittees; also it would have been possible for the Forest Service to prevent use of the land for unsightly developments which might be against the public interests.

This is an interesting case where the federal government is powerless to provide for an orderly and proper development of a national forest resource because of operation of the mining laws.

6. Application for patent to claim which had lain dormant for over 40 years.

a. Case No. 6.
b. Location: Arapaho National Forest, Colorado.
c. Resume of case: This claim involved both the U.S. Forest Service and the Bureau of Land Management since the claim was located on both national forest and public domain areas.

The claim was located in 1904 and a small amount of development work was performed until 1906. Several pits were dug and a ditch constructed to bring water to the claim for placer operations. From 1908 to 1948 no work was apparently done on the claim. For all practical purposes it had been abandoned. No other claimants had jumped the claim. In 1948 an application for patent to the claim was filed with the Bureau of Land Management but after the Bureau of Reclamation had made a preliminary survey for a dam site which involved the claim in question. The Bureau of Land Management protested patenting this area on account of alleged nondiscovery of valuable mineral and that a large portion of the claim was not mineral in character. Additional time was granted to the claimant in order to attempt to show that valuable mineral existed on the land.

At the present time, decision on this case is pending. It is interesting to note that a mining claim once established will hold indefinitely against the government even though, for all practical purposes, the claim has been abandoned for many years. This case also points out the fact that annual assessment work is no issue as between the claimant and the government but has meaning only between the claimant and the public.

7. Securing patent to a lode claim and mill site, of high recreational value.

a. Case No. 7.
b. Location: Arapaho National Forest, Colorado.
c. Resume of case: This lode claim was located in 1936 and the mill site in 1937. Claims were transferred to the present owner in 1945 and patent was applied for in 1947.

An examination by mineral examiner failed to disclose mineral sufficient to validate the claim. It also appeared to the mineral examiner that the mill site had never been used in a bona fide attempt for developing this claim or any other. A protest was filed by the regional forester against patenting the land including the mill site. A subsequent examination for mineral was made by an employed mining engineer and the report indicated an assay of one sample amounted to$5 per ton. In the face of this evidence of mineral it seemed futile to protest the patenting of this lode and mill site and the protest was withdrawn.

This lode and mill site are situated in an area of high actual and potential recreational values. A major ski area is within a few minutes drive. This case is another instance where valuable forest resources may pass to private ownership by operation of the mining laws.

8. Mineral claims having high values for recreation, home or resort use.

a. Case No. 8.
b. Location: Arapaho National Forest, Colorado.
c. Resume of case: In 1947 Forest Service officials found that a foundation was being laid for a house on a portion of the national forest. On inquiry it was found that a man had endeavored to locate a new claim over some old caved-in mine workings on the hillside. He had not yet staked out his claim but was in the process of building his house.

It was determined that the claim was situated within a reclamation withdrawal and on this account was not subject to location and entry under mining law. The claimant was notified to this effect, and that he would proceed in the construction of his house at his own risk. The claimant appealed to the Reclamation Service to have the area restored for location and entry. This was done.

It then became necessary for the claimant to demonstrate that he had made a valid discovery. On opening up one of the old mine tunnels he fortunately found a small vein of lead ore which may be sufficient for discovery purposes though of doubtful value for economic mining operations.

His claim is situated near a U.S. highway in an area of high recreational value both for public and private use.

This case is illustrative of thousands where valuable national forest resources are tied up by locations having no more than a minimum amount of mineral necessary to establish technical discovery.

9. Claim having high residence and resort values. Inimical to existing uses on the national forest.

a. Case No. 9.
b. Location: Roosevelt National Forest, Colorado.
c. Resume of case: The claimant recently located a lode claim, purchased an adjoining patented placer and has erected substantial buildings on the patent.

According to reports the claimant is expecting to sink some drill holes on his location in an attempt to develop more radio-active water which apparently is the basis for his mineral claim.

The Forest Service had previously issued several special use permits for residence purposes on the land now embraced in the lode location. According to reports the claimant now objects to the use of one of these special use areas although there has not been any formal protest registered with the Forest Service.

It seems probable that if an attempt is made to oust the special use permittees the government will institute injunctive proceedings to protect the Forest Service permittees.

It is expected that the claimant will probably contend discovery of gold should he meet with objection to mineral waters as a basis for valid discovery.

This development has been advertised along the highway as "Atomic Park" and is obviously intended to advertise the radio-active spring on the placer.

10. Residence on a mining claim.

a. Case No. 10.
b. Location: Roosevelt National Forest, Colorado.
c. Resume of case: The present claimant purchased the claim from the original locator. Apparently the claim was located with the thought of some mineral being present. The present claimant purchased the claim in order to provide a home for his wife and five small children. It is probable that the use of the claim for mining purposes had never occurred to the purchaser.

The original cabin was improved and enlarged by the present claimant. No development work is being done on the claim so far as mining operations are concerned.

In order to avoid hardship so far as possible, the Forest Service has agreed to a limited tenure permit for special use in order to allow the claimant to occupy the land for perhaps a period of years, with the understanding that after that time the property will be vacated.

It appeared to the Advisory Council members making this examination that this was a good case illustrating a more or less innocent party, ill-informed on mining and land matters, buying a mining claim for residential use.

11. A group of ten claims, about half of which are valid and half decidedly questionable, with recreational and timber values.

a. Case No. 11.
b. Location: Roosevelt National Forest, Colorado.
c. Resume of case: The original claimant performed several thousand dollars worth of development work and made discoveries on a part of the claims. On the death of the claimant the administrator filed application for patent to the claims. Protest against patenting the questionable claims was withdrawn on the basis of the administrator withdrawing his application for patents on the claims which did not show proper mineral discovery.

The Forest Service could not well contest the patenting of the claims which showed a mineral discovery even though these claims had some timber, watershed, and other values. However, it seemed to the Advisory Council members that the control and use of the surface resources of the claims not going to patent, should remain under the control of the administrative agency, the Forest Service.

12. Claims having substantial values for residential, grazing, recreation, and summer home purposes.

a. Case No. 12.
b. Location: Roosevelt National Forest, Colorado.
c. Resume of case: Present claimants secured these lode claims from the original locator. The area included several old tungsten workings. These workings showed only minor amounts of tungsten. About 1944, the claimants applied for patent to the claims. Some buildings had already been constructed. The surface of these claims was made up of about 50% forage land and 50% of medium growth Ponderosa and Lodgepole Pine. Grass land was valuable for grazing purposes and the timber land for residential or recreational uses.

Sufficient showing of mineral was found on one claim to justify clearing this for patent. Protest of the Forest Service against patenting the second claim caused the claimant to open up one of the old workings and although the mineral thus exposed was in no substantial amount yet it was sufficient under the mining law to defeat the government's case and protest against patent was withdrawn.

Since securing a patent it is the understanding of the Advisory Board members that no effort whatever has been made to develop mining operations. The grazing and recreational values now repose in the patentees.

13. Lode claim having unusually high recreation values.

a. Case No. 13.
b. Location: Roosevelt National Forest, Colorado.
c. Resume of case: Present claimant and her husband previously had acquired a number of patented mining claims which they included in a resort enterprise. This development included a number of summer resort cottages. The wife located on an old tungsten claim upon which they built a substantial masonry dwelling or lodge. This seems to be the center of the cabin and resort business.

This lode location seems to be valid from the standpoint of interpretation of the mining laws.

In this case it seems to the Advisory Council that the Forest Service is powerless to regain control of the recreational use of its own land. This case is of particular interest since the available public recreational areas are quite limited in this part of Colorado.

14. Request by applicants for time in order to find enough mineral to validate the claim under the law. Claim in a recreation area of high values.

a. Case No. 14.
b. Location: Roosevelt National Forest, Colorado.
c. Resume of case: This lode claim was located in 1899 by an old time miner. Development work in excess of $500 was apparently carried out. The present owners of the claim have applied for patent.

An examination of the claim failed to disclose a valid discovery of mineral. The contention of the applicants that valuable ore had been shipped from the claim could not be verified. The applicants requested additional time to attempt to justify their claim for valuable mineral deposits. This was granted and no action is contemplated at the present time.

This is another illustration of valuable recreation and summer home areas which are being tied up under the present mining law.

15. Claim with valid discovery used for residence and cabin purposes. Patent granted on certification of 5 miners that $500 had been expended for mining purposes.

a. Case No. 15.
b. Location: Roosevelt National Forest, Colorado.
c. Resume of case: It was reported that the present claimant acquired this claim during the 1930's. He had constructed a modest residence and later built several cabins which he rented to summer tourists. About 1941 he applied for patent to the claim.

An examination by a mineral examiner disclosed that a valid discovery of mineral had been made. But the examiner questioned that the necessary $500 worth of development work had been performed; protest was filed upon that basis.

It appears that three government experts maintained that $500 in development work had not been done. On the other hand five practical miners testified that more than $500 in labor and money had been expended. The decision held that the prepondence of evidence indicated that the needed development work had been done and patent was issued.

At the time of the present investigation the claimant had five or six summer cabins on the claim--all within the roadside strip. There seemed to be no evidence which could be noted that any effort toward developing mining operations had been attempted since the patent was secured.

16. Patent to mining claim secured on the basis of statements of witnesses as to past returns from mine. Claims in roadside strip and possessing high potential values for residential and recreational use.

a. Case No. 16.
b. Location: Roosevelt National Forest, Colorado
c. Resume of case:

The present claimant acquired the claims after a 250-foot drift tunnel had been developed. An examination by the mineral examiner failed to reveal a valid discovery. The claimant maintained that valuable ore had previously been shipped from the tunnel. No records could be produced. However, the claimant found two or three credible witnesses who maintained that they had observed ore being shipped from the tunnel in previous years. In the face of these statements protest to patenting the claim was withdrawn and the patent was issued in due time. The Advisory Council members visited this tunnel and there was no evidence of any recent work having been carried out in the mine. The claim occupies a valuable strip of land which has good possibilities for residential use. On adjoining patented claims several signs were observed, "Building Sites for Sale".

This is a good illustration of the Forest Service being powerless to control the development along some of our important highways which should be developed in a systematic way for recreational use rather than in a hit and miss fashion by claimants who have acquired these areas under the mining laws.

17. Relocation of placer claims which have been declared invalid. Area of high recreational value adjoining an important paved highway.

a. Case No. 17.
b. Location: Roosevelt National Forest, Colorado.
c. Resume of case: The first placer claim in this case was located in 1941 and the second in 1944.

A reasonably substantial residence was constructed on one of the claims but the forest supervisor questioned the validity of the claim. On mineral examination it was disclosed that the placer claim carried gold to the extent of only 1/3 cent per cubic yard. The claim is within 1/8 of a mile of a main paved highway.

Protest was filed against the two locations charging lack of discovery. The claimant failed to answer the protest and decision went to the Government by default. The Advisory Council members were informed that the claimant had relocated the claims--contending that a new discovery involving more mineral had been made. A subsequent examination failed to verify that such discovery had been made.

This is a good illustration of the way action permitted under the present ming law can hamper the Government in its effort to protect the national forest resources. Even though the claim has been declared invalid and the Government has been subjected to a considerable amount of expense to determine this, yet the claimant or some other person can immediately refile on the claim which would require a new investigation by a mineral examiner and going over the whole procedure a second time, in case the Forest Service decides to protest the validity of the claim. In this way, a claimant can keep the Government involved in expense perhaps over a period of years and in the meantime the claim may be occupied by a residence or other improvements.

18. Placer claim with residence. Claim declared invalid but claimant probably can obtain special use permit for occupancy.

a. Case No. 18.
b. Location: Roosevelt National Forest, Colorado.
c. Resume of case: This placer claim was located in 1932 after a few small pits were dug in the bench along the creek. A substantial house and garage were constructed and in 1940 the claim and its improvements were sold. The present owner lives in Denver but he has been expecting to retire from active work. At the time application for patent was filed an examination to determine the validity of the claim was made and failed to disclose that a valid discovery had been made. The claim was declared invalid in the ensuing contest.

The claim is located in a stand of Lodgepole pine timber which was thinned out at considerable expense by the Forest Service during the CCC days. It is on a secondary road about 1 mile from a fine paved highway. The area is particularly desirable for public recreational development since such areas are rather limited in this region.

At the time the Advisory Council visited this claim it appeared that the Forest Service would probably issue a special use permit to the claimant for a limited period of years in order to validate the use of the government land.

It also appeared to the Council members that many claimants locate claims in expectation that the Forest Service will issue special use permits for their improvements in event the claims are declared invalid. This is actually done on a limited tenure basis in many instances in order to avoid undue hardship on claimants or to mitigate distress in the case of indigent parties.

19. Placer claim with residence and rental cabin. Claim declared invalid with the prospect of claimant either being ejected or granted a special use permit.

a. Case No. 19.
b. Location: Roosevelt National Forest, Colorado.
c. Resume of case: This placer claim was located in 1937. After successive transfers the present claimant came into possession in 1945. He is an elderly man and resided on the claim a large portion of the time but performed very little mining work. He constructed a second cabin which was sometimes rented to summer vacationists.

A mineral examination of this land failed to show a valid discovery of minerals. The regional forester filed a protest charging lack of discovery, lack of good faith, and that the land is not mineral in character. At the time of the hearing the claimant was present but offered no testimony. Final decision held for the government.

This is an example of a case where a claimant may be evicted from his claim or the Government may be morally bound to grant a special use permit in order to avoid working a hardship on a relatively innocent person.

20. Unpatented placer claim used for residence purposes.

a. Case No. 20.
b. Location: Roosevelt National Forest, Colorado.
c. Resume of case: The former owner of this placer claim started the construction of a rather substantial residence. This was completed by the present claimant.

Council members in company of the mineral examiner looked over the placer workings. There was very little evidence of any real placer mining work being under way. Detailed examination by the mineral examiner had not been made since it was difficult to locate the claimant at any time when it was possible to make such an examination. It was the policy of the Forest Service to have the claimant present at the time of a mineral examination.

The Council is advised that the locator subsequently applied for and received a permit to occupy the land for residence purposes.

21. Using a claim of doubtful validity for residence purposes.

a. Case No. 21.
b. Location: Roosevelt National Forest, Colorado.
c. Resume of case: This claim was located about 1945 on an old abandoned claim. The claimant did a little work cleaning out an old mine shaft but apparently had done very little toward developing the mine.

The forest supervisor questioned the validity of the claim on which the claimant had constructed a substantial log cabin where he housed his wife and child. An examination of the claim failed to disclose a valid discovery, and a protest was filed with the Bureau of Land Management. Since the claimants failed to answer the protest the decision held for the Government.

The case was important to the Forest Service because the area covered by this claim and others adjoining is badly needed for the development of public recreational use to provide for the heavy tourist and other traffic which occurs in this locality. The claim is about 1/2 mile off a main paved highway.

22. Summer home and recreational area on a formerly worked placer claim which may still contain some gold.

a. Case No. 22.
b. Location: Roosevelt National Forest, Colorado.
c. Resume of case: This claim was formerly worked by the original and succeeding claimants, as a bona fide placer operation. A dam had been constructed and two cabins built, one of which apparently was to house laborers. Apparently the operations were suspended after the more valuable gravels had been worked.

Later the claim was acquired by the present owner, who carried on limited placer operations during the summer period. It is probable that small quantities of gold were recovered. A substantial summer home has been built which is used as a residence during a part of the summer period.

No formal examination of this claim has yet been made but it appears that sufficient gold would be found to consider this claim a valid one in view of its former production, even though it seemed quite apparent to the Advisory Council members that the claim was not being maintained for the production of gold or any other mineral but rather for the purpose of an attractive summer home.

In this case the claimant secured an old claim which had every appearance of validity. It would therefore be very difficult for the Government to prevent patenting of this claim even though a casual observer might infer that the residential or recreational use of the area was the prime motive back of securing the patent.

23. Lode claims relocated in a mineralized area. Fair timber and other values involved on the claims.

a. Case No. 23.
b. Location: On the Roosevelt National Forest, Colorado.
c. Resume of case: These claims were located about 1933 on what appeared to be old abandoned claims. In 1948 an application for patent was filed, which makes necessary examination by a mineral examiner.

The contention of a valid discovery on these claims was based upon the fact that certain well known veins of mineral traverse them. However, no effort has been made to open up these veins on the claims in question. The claimant asked for additional time in which to make a discovery of mineral on the claims. This was granted and the application for patent is pending.

Although the claims contain a reasonable stand of lodgepole pine timber of value, this appears to be a case where the claimant is interested in prospective mineral values.

24. Claims located on old abandoned claims and patents secured. No visible evidence of recent attempts at mining operations.

a. Case No. 24.
b. Location: Roosevelt National Forest, Colorado.
c. Resume of case: These placer claims were located about 1936 probably over old abandoned claims. The original locator carried on mining operations in an area of two or three acres. Application for patent was filed in 1948. There seemed to be little evidence of any work being done on the placer area since that time.

The mining law requires that placer claims be taken out by legal subdivisions. The township was resurveyed a few years ago but these claims were laid out by metes and bounds. It appeared that about 75% of the claims were located on bench areas which are not placer in character. It also appeared that valid discoveries had been made in a gulch on the claims. The mineral examiner recommended an informal protest against these claims asking that they be made to conform with the regular legal subdivisions of the public survey or be made to conform by metes and bounds with the general trend of the gulch in order to eliminate the non-placer areas. However, it was held by the Director of the Bureau of Land Management that the Forest Service's contention in this instance would work an undue hardship upon the applicants. In view of this decision the Forest Service did not file a formal protest, and the claims went to patent.

The bench lands are highly valuable for recreational and summer home use. This case also exemplifies the difficulty of the Forest Service in preventing patenting land relatively low in mineral values but high in public recreational values, because of the inadequate mining laws.

25. Attempt to secure patent to an unsuccessful mining claim presumably for the purpose of providing summer homes for certain war veterans.

a. Case No. 25.
b. Location: Arapaho National Forest, Colorado.
c. Resume of case: This claim was located about 1921 by the present claimant. A fifty-foot shaft was sunk on this claim intersecting a fairly well defined vein but it seems doubtful if any material mineral values were encountered. The claim unquestionably was a bona fide attempt at the start to carry on a mining operation.

At the time of the investigation by the Advisory Board members it seemed that the claimant was desirous of obtaining patent to the land in order to provide summer home sites for certain war veterans. The fact that a patent had been applied for made it necessary for a mineral examination in order to determine the validity of the claim. By this time, however, the mine shaft was half full of water and it was physically impossible to make an examination. The claimant indicated that he would "unwater" the mine shaft to facilitate a mineral examination. It appeared to the Council members that this would be a rather difficult operation since much of the mine shaft had caved in.. Action on the patent is being held up temporarily.

This appears to be an illustration of a bona fide attempt on the part of an original claimant to carry on a mining operation but where the venture was not a success even though considerable expense had been involved. Later the claimant expressed a desire to help wounded war veterans by providing them a place for rest and recreation. This was a commendable thought but hardly in keeping with the intent of the mining law.

26. Acquisition of unpatented mining claims, of little or no mineral value, by uninformed individuals for residence or other purposes.

a. Case No. 26.
b. Location: Arapaho National Forest, Colorado.

c. Resume of case: It appears that these two claims were located a number of years ago by two claimants but that very little if any mining work was carried out. However, on one of the claims an attractive cabin was built.

In 1948 the claimants sold the claims to an elderly widow. This party knew practically nothing concerning the mining laws but thought that in purchasing the claims she had secured a more or less permanent place to live and appeared to have acted in good faith. She believes that with this cabin for a home and her old age pension she could provide adequately for herself. Examination, however, failed to show valid claims and it is probable that it will be necessary for the Forest Service ultimately to register a protest.

These claims are in an area which has good possibilities from the residential and recreational standpoint. This case exemplifies a common situation in Region 2 (Colorado) where many ill-informed persons purchase mining locations for purposes other than mining. Otherwise astute persons often fall victim to their own folly in such instances since the initiation of non-mining enterprise upon a claim normally precipitates a formal investigation. This is particularly unfortunate for the pruchaser if the claim lacks the essential elements of validity. Perhaps it must be recognized that there will always be vendors of such properties.

This case is a good example of the unpleasant duty which falls upon the mineral examiner and the Forest Service officers in looking after the public interests on the national forests. In this case, if the protest of the Forest Service is successful, it will probably involve this widow in being dispossessed of a property which she acquired in good faith. In such circumstances the Forest Service almost invariably issues a special use permit to authorize the occupancy for an equitable period.

27. Purchasing an unpatented claim and building a home with no evidence of valid mineral discovery or effort at mining operations.

a. Case No. 27.
b. Location: Arapaho National Forest, Colorado.
c. Resume of case: This lode claim was staked as an area 600' x 800'. It is actually a fractional claim by reason of conflicts with old mineral patents. The upper or westerly end of the claim is covered with a fully stocked stand of small lodgepole pine timber. An old one-story log house occupied a high bench near the timber.

About 1947 the present claimant acquired the claim reportedly by paying $1000. The validity of the claim was doubted by the forest supervisor and this called for a mineral examination.

On the occasion of the visit to this claim by the Advisory Council members, the claimant and several of his sons were busily engaged in remodeling the house. The interior was being finished in knotty pine,

a brick and stone fireplace with a heatolator was being built and a beautiful picture window being installed. On questioning by the mineral examiner the claimant said he had not yet made a discovery on the claim nor had he done any actual mining. He stated that first he expected to remodel the house and then search for mineral in order to establish a valid discovery. The mineral examiner doubted that the claimant can make a valid discovery on the claim. In this case a protest will probably be filed by the Forest Service.

This case appears to be another incident where an ill-informed person has purchased a mineral claim of doubtful validity in order to obtain a homesite.

28. Validity of lode claim questioned by mineral examiner but claimant granted additional time to establish validity if possible.

a. Case No. 28.
b. Location: Arapaho National Forest, Colorado.
c. Resume of case: This claim was located about 1937 by the present applicant. He drove a tunnel about 150 feet and claimed that he had shipped a small quantity of gold, silver, and lead ore. However, no record was produced to verify this. An examination of the mine tunnel by the mineral examiner failed to confirm the alleged discovery of mineral.

The applicant requested additional time to verify his discovery. This request was granted. The mineral examiner stated that this illustrates a common situation and practice in Region 2 (Colorado). An application for patent may be filed but the examination fails to establish that a valid discovery has been made. The examiner, wishing to be fair in the matter, explains to the applicant the probability that formal objection to patenting will be filed by the Forest Service unless valid discovery can be established. He points out that if the applicant is confident valuable mineral is present upon the claim it should be exposed for verification. In such circumstances applicants commonly request additional time in which to make their showings and the examiner more often than not recommends that such time be allowed. This action also safeguards the public interest by denying "clear listing" (no protest) unless or until substantial compliance is had with the requirements of the mining law. This illustrates an effort to be fair not only to the claimant but also to the public.

29. A lode claim and mill site of high recreational and residential value along a main U. S. highway.

a. Case No. 29.
b. Location: Arapaho National Forest, Colorado.

c. Resume of case: These claims, a lode and a mill site, were located about 1939. A short mine tunnel had been cleaned out and the claimants asserted that an assay of the ore from the vein in the tunnel netted $14 per ton. Later the tunnel caved in and a parallel tunnel was driven but failed to intercept the vein. A mineral examiner was unwilling to accept an assay certificate as evidence of a valid discovery. He suggested the building of a cross-cut between the two tunnels for a distance of about 10 feet in order to see if a valid discovery had been made. The applicants requested additional time which was granted.

The validity of the mill site was questioned. The law requires that such a mill site must be supported by a valid lode claim, and it was doubtful that this requirement could be met, in view of the circumstances outlined above. The law further requires that the mill site must be used for mining or milling purposes, and it appears to the Advisory Council members that the applicants had made no use of the mill site except when they drove a short tunnel in loose material on the hillside of the claim and dumped possibly 10 to 20 wheel-barrow loads of waste just within the boundaries of the adjoining mill site.

The mining claim and the mill site are along a main highway and are highly valuable for recreational and summer home use. Although the lode claim is on a steeper slope and not so desirable for recreational purposes, yet the mill site is on a lower slope and is more accessible for recreational use along the main highway.

It is often that a mill site comprising five acres is claimed in connection with a lode location, and the Forest Service has found it difficult to defeat a mill site claim regardless of the claimant's ultimate intentions for future use of the land.

30. Lode claims of doubtful validity having unusual values for summer home purposes.

a. Case No. 30.
b. Location: Arapaho National Forest, Colorado.
c. Resume of case: About 1943 the claimants located this lode claim which is immediately north of a main highway and perhaps 100 feet back. At the time of the visit of the Advisory Council members, it was noted that a substantial but modest cabin had been constructed and that a pit a few feet deep had been dug. There seemed

to be no evidence of valuable mineral. The claimant stated several years ago that he intended to conduct extensive development work on the claim but never did so. The Forest Service filed protest and the decision held for the government when the claimant failed to answer the charges. The claimant later vacated the premises.

This seems to be a rather clear-cut case of an effort to take advantage of the mining laws to secure a summer home site. The area is definitely needed for public recreational purposes.

31. Making building improvements on a lode claim after being officially advised as to the probable invalidity of the claim (and adjoining mill site.)

a. Case No. 31.
b. Location: Arapaho National Forest, Colorado.
c. Resume of case: About 1940, the claimant located these claims on what appeared to be old abandoned locations. When the claimant started to build a two-room cabin within a few feet of a main highway he was notified that there was a question as to the validity of the claim and that he would proceed with the construction work at his own risk. In 1945, after completing his cabin, he made application for patent. A mineral examination was made which failed to disclose a valid discovery on any of the workings. The use of the mill site claim was also questioned. The Regional Forester filed protest against the lode claim charging lack of discovery and lack of good faith. Also protest was filed against the mill site charging this claim was not attached to a valid lode claim. In the meantime the original claimant had died and the widow failed to answer the protest which was decided in favor of the government.

These claims were adjoining one of the principal paved highways in Colorado, along which there exists one of the most valuable recreational areas which should be maintained for the public.

This case illustrates the unfortunate situation which may develop in connection with innocent persons. The widow of the original claimant found herself in possession of the claim with its improvements, with the possibility of being dispossessed. However, in order to obviate, so far as possible, a hardship on an innocent person, the widow was issued a special use permit for a period of ten years in order to make possible the use of the two room cabin in a legal manner.

32. Selling a questionable mill site claim contingent on going to patent. Developing a boys camp with later abandonment.

a. Case No. 32.
b. Location: Arapaho National Forest, Colorado.
c. Resume of case: After protest in 1937 the Interior Secretary's office held that the applicant might retain the mill site based upon his intention to improve it for milling purposes. Application for patent was filed in 1945 and formal examination made by 1946.

Examination disclosed that the claim was transferred to a second party after application was filed. The new party entered into an agreement to sell the claim to two ladies contingent upon issuance of patent. These ladies made a down payment of $2500 on a total consideration of $6000 and proceeded to establish a boys camp on the mill site.

Later the Regional Forester filed a protest against issuance of the patent to the mill site. In the meantime the down payment of $2,500 had been refunded and the boys camp was abandoned. The protest was later withdrawn, and the mill site passed to patent.

This is another incident indicating the difficulty sometimes confronting the Forest Service in attempting to protect government lands having high recreational values, and questionable value for mining purposes.

33. Difficulty experienced by the Forest Service in developing summer home and recreational sites on claims of a defunct company.

a. Case No. 33.
b. Location: Arapaho National Forest, Colorado.
c. Resume of case: Several placer claims were located a number of years ago by a corporation. Considerable stock was sold on the strength of these placer holdings. Later the company became insolvent and was declared defunct by the State Attorney General.

These claims lie on both sides of a main U.S. highway. They make up an area of high recreational and summer home values. A few years ago the company granted the Forest Service the right to establish a summer home group on a limited tract. Several summer home permits were issued for sites within this tract and substantial summer homes were built. In an effort to secure more sites for summer homes the Forest Service endeavored to obtain permission for additional recreational developments. However, since the original company is defunct this has been impossible.

This case illustrates the principal that a mining claim once initiated will retain its identity almost indefinitely unless it is relocated or formal action brought against it.

34. Location of a lode claim on land of questionable mineral value but of high value for development of a public recreation area.

a. Case No. 34.
b. Location: Carson National Forest, New Mexico.
c. Resume of case: It appeared to the members of the Advisory Council visiting this lode claim that there was little evidence of presence of valuable ore and that there was no effort being made to develop the mineral aspects of the claim.

This claim, as well as a number of others similarly located, are included in an area well suited to the development of a public picnic and playground.

At the time of the investigation a patent for this claim had not been applied for but if this is done the Forest Service will undoubtedly register a protest.

35. Lodes and mill site having high recreational values.

a. Case No. 35.
b. Location: Carson National Forest, New Mexico.
c. Resume of case: At the time of the visit there was a partially constructed cabin on the mill site. At the date of the inspection there had been no application for patent. Certain of the supporting lode claims are deemed valid. The lands occupied by the cabin have high recreation values. In case patent is applied for it is probable that the Forest Service will investigate these claims in great detail especially with reference to use of the mill site.

36. Lode claims of doubtful validity embracing meadow lands valuable for recreation.

a. Case No. 36.
b. Location: Carson National Forest, New Mexico.
c. Resume of case: At the time of inspection of these two claims a small hole about ten feet long and three feet wide had been scratched out in loose soil and it was supposed that this was intended to be the discovery pit.

To a casual observer this case was obviously an effort to secure building sites for residential or speculative purposes. However, it is probable that if mineral is later found the Forest Service may find itself helpless in attempting to save the area, as well as others in the vicinity, for public recreational use.

37. Holding claims on the strength of a discovery of mineral on an adjoining claim.

a. Case No. 37.
b. Location: Carson National Forest, New Mexico
c. Resume of case: This claimant has two lode claims on one of which there is probably enough mineral to establish valid discovery. The other claim was undoubtedly taken in good faith although discovery of valuable mineral is questionable. The second claim is occupied by a modest cabin.

The claimant represented that he intended to try to trace the vein from the first claim into the second. The mineral examiner recommended that the claimant be given ample time in which to demonstrate his avowed intentions before protest of the second claim is considered.

These claims are situated in an area of high recreation values.

38. Multiple claims being held in an area of good recreational possibilities but with reasonable development work in an apparent effort to make a valid discovery.

a. Case No. 38.
b. Location: Carson National Forest, New Mexico.
c. Resume of case: The present claimant located 32 lode claims in Placer Canyon and appears to have done a considerable amount of development work. At least, according to claimant's belief, there may be mineral in reasonable quantities following further development work. Even though these claims have a rather high recreational value, yet as long as the claimant carries out reasonable development work for the production of minerals it would be difficult and perhaps futile for the Forest Service to protest these claims even if it chose to do so. If, however, the claimant were to apply for patent the Forest Service would undoubtedly protest all claims lacking the requisite discovery.

39. Claim on land valuable for springs.

a. Case No. 39.
b. Location: Santa Fe National Forest, New Mexico.
c. Resume of case: This placer claim was located in 1910; it was relocated in 1922. The claim contains an excellent thermal spring as well as cold springs. It is quite probable that the presence of these springs was an inducement in staking out the claim. No mining of any appreciable extent has been done although many minerals were claimed, including gold, silver, copper, iron, tripolite and more recently calcareous sinter.

The claim was protested by the Forest Service and in September 1942, Secretary of Interior declared the claim void. However, so long as land within the national forests remains open to location under the present mining law, locations and relocations, even after the claims are declared to be invalid can be made indefinitely which may involve the government in continuous expense.

40. Mining operations on pumice claims causing administrative problems on the national forests by creating road hazards and leaving unsightly surface conditions in recreation areas.

a. Case No. 40.
b. Location: Santa Fe National Forest, New Mexico.

c. Resume of case: These claims are operating within a fenced enclosure designated for public recreational purposes. Although the area is of high recreational value the pumice mining operations create road hazards by extensive trucking. Also the value of the area for recreational use is partially destroyed by unsightly pits, breaking up and removal of timber, etc. Most of the areas observed by the Advisory Council member seemed to indicate that little thought was given to timber values or to the need for preventing soil erosion.

It was indicated that extensive areas on the forest are underlain with good beds of pumice which may be used for the manufacture of building blocks. When these marketable beds are in the vicinity of public camp or recreational areas it presents a difficult administrative problem.

So far as was observed, there was no effort on the part of the pumice miners to restore the surface of the areas in such a way as to correct some of the unsightly excavations. Possibly in a revision of the mining laws this matter might be given consideration.

41. Operating pumice claims and opening new pumice pits with no requirement for claimant to notify the administrative agency (Forest Service) of such operations.

a. Case No. 41.
b. Location: Santa Fe National Forest, New Mexico.
c. Resume of case: In looking over this area it is indicated that there have probably been over 100 pumice placer claims located in this vicinity. One unfortunate matter relates to the fact that on these pumice claims the operators seemed to go ahead with mining operations without even notifying the administrative agency (the Forest Service) of their intentions. The Advisory Council member making this inspection saw new claims being opened up of which the Forest Service had no knowledge until the time of the inspection.

One operation was noted near the corner of an Indian reservation which appeared to be a large commercial venture. Apparently the pumice was filling a useful purpose in the manufacture of building stones. However on this one area there seemed to be perhaps 10 or 15 acres of national forest land which had been stripped of timber and which seemed to indicate that no thought whatever had been given to the possible restoration of the area for other uses than merely the mining of pumice.

42. Mining claims on a highly developed public recreational area on which the Forest Service had spent thousands of dollars.

a. Case No. 42.
b. Location: Cibola National Forest, New Mexico.
c. Resume of case: In this case two lode claims extended across a recreation area on the Cibola National Forest. The claimant apparently was planning to make use of the recreational shelter for a stable for mules. He also was reported to be planning to make use of other buildings for blacksmith shop and other purposes; to divert the water system so as to block the entrance road, and to use the baseball field for a slag pile.

The minerals claimed were fluorspar and barite. The Forest Service obtained an injunction because it was held that the mining claims were invalid. However, it appears that if the claims had been valid the Forest Service might have been forced to initiate a long and costly court action to prevent interference with its improved campground. Upon appeal by the claimant, the Secretary of the Interior confirmed the decision of the Director of the Bureau of Land Management holding that no valid mineral discovery had been made.

At the time of the inspection it appeared that the recreation area was heavily used by the public and this case seemed to the Inspector to be an obvious example of the public need for revision of the mining laws.

43. Claim on land which seemed to be non-mineral in character, beside main highway.

a. Case No. 43.
b. Location: Cibola National Forest, New Mexico.
c. Resume of case: In 1930 claimants with no mining experience applied for patent to a placer mining claim which is along a main U.S. highway. The claim was acquired from a real estate promoter of that vicinity. The claimants included nearly 70 acres of land with a three-quarter mile frontage of the highway. In the hearing it allegedly was stated that the land had no value for stone quarrying purposes. Also it appears that one of the claimants indicated that the purpose in acquiring the claim was to secure a home site.

The Interior Secretary handled the claim case and it was indicated that additional exploration could be made by the claimants in order to determine if valuable building stone really did occur on the land.

In order to settle the case the claimants were given a special use permit for 20 years on an area of five acres of the tract. Although the claim has been relinquished, it is possible that other claimants will try to appropriate the area since it is a tract with high recreational values on account of its proximity to Albuquerque, New Mexico, on a good paved highway.

The home which was built on the claim was a very creditable building.

44. Destructive treatment of timber and other resources on a pumice mining operation which is legal under the present law.

a. Case No. 44.
b. Location: Santa Fe National Forest, New Mexico.
c. Resume of case: In this vicinity on the Santa Fe National Forest there are probably hundreds if not thousands of acres which have been located under claims. Most of the country is underlain with pumice which under certain conditions is marketable. The claims in question are reported to include a ranger station administrative site with buildings and other improvements. The claimant agrees not to encroach upon the ranger administrative site. However, the value and utility of the improvements are now practically nil because the mining has left them on a virtual "island" in the pumice area.

In this case the pumice is being taken out in large quantities and is being hauled about 20 miles to a railroad loading site. The Advisory Board member saw several operations where the over-burden, including trees, brush, and other material, was being bulldozed off of the area.

It appeared to an observer that the claims were being staked out without the Forest Service authorities having any knowledge of the location of the claims. This procedure is legal but is rather disconcerting to the administrative agency. Though it is probable that many more claims are being staked out than can be economically mined for the production of pumice for building stone, it would be difficult and costly to contest all such locations.

In one area serious erosion had taken place after the pumice had been removed. It appeared that in case the Forest Service resources were to be properly safeguarded there might be some system worked out whereby a mining company should be required to at least partially restore the surface of the land in such a way as to make it available for other legitimate uses.

45. Claims patented, part of which encroach upon an experimental forest established many years before by the Forest Service.

a. Case No. 45.
b. Location: Coconino National Forest, Arizona.
c. Resume of case: The nine claims in question were worked in 1917-18 during World War I at the time when the government was supporting the price of manganese with bonus payments. Also it was reported that the claimant shipped manganese during World War II under a support price program. It was further reported that the claimant was planning to dispose of the timber on the claims which have been patented.

The Advisory Council member had an opportunity to review the records of the hearings held in connection with these cases and it appears that a part of these claims are located on an experimental forest maintained by the United States Forest Service where long time experiments in managing the timber are being carried out. The hearings in this case brought out the fact that the timber values on the nine claims amounted to something over $100,000. This case exemplifies the progressive reduction of the value of our national forests, due to the fact that mineral patents include non-mineral forest resources.

46. Claim for pumice and building stone. Claim at junction of two main highways, showing good potential real estate values.

a. Case No. 46.
b. Location: Coconino National Forest, Arizona.

c. Resume of case: Examination showed that the claim contained volcanic tuff and pumice material suitable for building purposes. The presence of this mineral gave the claimant an opportunity for locating a claim on which very little if any development work had been done. At the time of the inspection application for patent had not been made. The claims fronts on a U.S. highway and has high potential value for residential and commercial use; Flagstaff is but a few miles distant.

It is probable that this claim can be validated under the law and will ultimately pass to private ownership.

47. Claims located on the national forests for the purpose of mining or quarrying flagstones. (Thin layered sandstone of various colors)

a. Case No. 47.
b. Location: Kaibab National Forest, Arizona.
c. Resume of case: The flagstone quarries observed appeared to be legitimate, going operations. The quarries did not occupy extensive areas on the national forests. However, it is believed that where areas exist which have possibilities of quarrying for thin sheets of flagstone there is a possibility that placer mining claims may be located without the development of the stone resource but perhaps rather to hold the areas for other surface values such as cottage sites, timber values, grazing, etc.

Permits or leases for this type of mining might safeguard the other national forest interests.

48. Claims located for securing volcanic cinders on the national forests. Possible conflicts with the orderly development and use of other resources.

a. Case No. 48.
b. Location: Kaibab National Forest, Arizona.
c. Resume of case: Considerable quantities of cinders are being secured from these claims for construction purposes. The cinders are minerals under the mining law. The principal difficulty comes through no orderly arrangements being made for safeguarding the timber and other surface resources of the national forest. Under a permit system or leasing the administrative agency would have more satisfactory control.

49. Placer claims at the junction of two main highways apparently with no specified minerals claimed as basis for filing.

a. Case No. 49.
b. Location: Kaibab National Forest, Arizona.
c. Resume of case: From observations made by the Advisory Council members and others there seemed to be little evidence of any mining activity or any prospect of a going mining operation being established at this point. It appeared to those investigating that the land, which is at the junction of two main highways, might possibly offer some satisfactory locations for real estate developments although there was no definite information on this point. It would appear to offer some of the most remunerative possibilities of any location in the country for tourist courts, filling stations, etc.

50. Mining claim located apparently to protect watering improvements. Apparently no mineral values involved.

a. Case No. 50.
b. Location: Kaibab National Forest, Arizona.
c. Resume of case: To a casual observer this appeared to be a case of attempting to protect stock watering improvements against intrusion by the establishment of a mining claim. When the Forest Service issued the claimant a special use permit the claim was relinquished. Apparently the claim had been held since April, 1908, and was only relinquished in 1950. In this case the claimant apparently was able to make use of the mining law to protect one of his range interests against other locators, and he obviously used the land for nearly half a century without any attempt at mining.

51. Claims on a Forest Service administrative site.

a. Case No. 51.
b. Location: Prescott National Forest, Arizona.
c. Resume of case: The claimant located several lode claims on a Forest Service administrative site which was conspicuously posted as such. Claimant, according to reports, cut the administrative site fence and placed his trailer in the pasture apparently with the intent of establishing a camp on the area. Statements indicated that he had lived on the claims several years.

It was stated that his principal mineral was semi-precious stones (to be polished). It was further reported that the claimant left the area before the case came up for action. It is believed, however, that the claimant or some other person may again establish claims on the land.

The Acting Manager of the Land Office held the claims to be null and void. However, there seems to be some question concerning the ability of the Forest Service to retain unimproved administrative sites on the national forests unless these are officially withdrawn by action of the Secretary of the Interior.

52. Mining claim used for residence.

a. Case No. 52.
b. Location: Prescott National Forest, Arizona.
c. Resume of case: This claim with little or no attempt at any mining operation was used for residence purposes and after a protest was filed by the Forest Service the claim was relinquished.

53. Residential site, recreational and real estate area on mining claim.

a. Case No. 53.
b. Location: Prescott National Forest, Arizona.
c. Resume of case: In this case the claimant purchased an unpatented claim and later built summer cabins on five-acre tracts of land. The cabins were sold and the land was quit claimed to the purchasers. The claimant maintained his own residence on the claim and apparently made no effort to mine on any portion of the land. After investigation the claim was held invalid and the improvements were handled by the Forest Service, under special use permits, which require an annual rental payment.

This is a case where a claimant attempted to secure valuable residential property by purchasing mining claims.

54. Patented mining claim with valuable highway frontage.

a. Case No. 54.
b. Location: Prescott National Forest, Arizona.
c. Resume of case: In this case the claimant obtained a patent to a mining location on land fronting on a highway. The patent was issued in 1935 and since that time there does not appear to have been any mining whatever done on the claim but instead a considerable investment has been made in a road house and saloon.

55. Claims on which little or no mining operations have been carried out but which have developed into areas used for homes, camps and church centers.

a. Case No. 55.
b. Location: Prescott National Forest, Arizona.

(1) --- Claim: Claim located on main highway. Claimant built filling station and cafe. The claim was protested and held invalid. Claimant was granted a special use permit.

(2) --- Claim: The locator of this lode claim on the Prescott National Forest made application for patent. Protest by the Forest Service was upheld and patent denied about 1930. Claimant continued to occupy the claim for a time but left some years ago and so far as is known, has not relocated the claim.

(3) --- Camp Area: Extensive camp buildings on patented claims. Original claims probably bona fide. Understood part of land being held for speculative prices.

(4) --- Claim: Five acres of an unpatented claim purchased. Good residence built. Claim was contested and contest sustained. Special use permit given by the Forest Service.

(5) --- Community Area: Many fine residences built on patented mining claims on part of the Prescott National Forest. Building lots being sold by claimant for $1000 or more.

(6) --- Estate: A large recreational development on patented claims.

c. Resume of case: The above claims were originally taken as mining claims but with little or no evidence of any appreciable mining operations having been carried out. The areas have been developed strictly for recreational and camp purposes. Many have been protested and special use permits have been given or made available for legalizing the occupancy of the land.

According to reports these are merely illustrations of hundreds of similar cases which are found on the Prescott National Forest.

56. Large flagstone quarrying operation on patented claims.

a. Case No. 56.
b. Location: Prescott National Forest, Arizona.
c. Resume of case: Flagstones of varying thickness were being quarried on a large scale, on patented claims. There seemed to be a possibility that there might be attempts for others to try to validate mining claims with a poor, uneconomical showing of flagstone material--especially if such stone happened to be along a main highway with good recreational possibilities. This difficulty might be avoided by handling a resource of this kind under a special use permit or on a leasing basis.

There seemed to be no attempt to take advantage of weaknesses in mining laws in this particular case.

57. Claim including bottomland with good possibilities for homes or other developments along main highway.

a. Case No. 57.
b. Location: Tonto National Forest, Arizona.
c. Resume of case: This claimant staked out his claim across the main paved highway and had constructed a cabin on the flat adjoining the highway; the claim has recreational or residential value.

An inspection by the members of the Advisory Council showed that a small opening had been made on the hillside adjoining the highway which showed the presence of some amethyst. It is possible that a sufficient showing of this mineral may be present to make it feasible for the claimant to apply for patent to the land even though it appears, to an observer, that the main value of the claim was as a home site and possibly as land which could be disposed of at a profit.

58. Mining claim purchased about 25 years ago and used for residence.

a. Case No. 58.
b. Location: Tonto National Forest, Arizona.
c. Resume of case: The claimant purchased this claim a number of years ago, and has occupied the claim as a place of residence ever since. A permanent spring here has made possible the creation of an oasis-like spot in this desert region. When the claim was examined by a mineral examiner a little mineral was found although this was in such small quantities as to raise serious question about the claim's validity.

On account of the fact that the claimant had been living on the claim for some time the Forest Service offered to grant a special use permit for occupancy of the land. However, this was refused. The Forest Service filed protest and the case is pending.

59. Claims on valuable summer homes real estate in recreational area.

a. Case No. 59.
b. Location: Coronado National Forest, Arizona.
c. Resume of case: The claimant located numerous claims in the most important recreation area in the vicinity of Tucson, Arizona. There has been little mining in the area. The mineral showings upon the claims were meager but the mineral examiner deemed them sufficient to justify a prudent man in the further expenditure of time and money. Patent issued and soon thereafter building lots were sold for recreation and residence purposes. In these circumstances the Attorney General filed suit to annul the patent. The case was finally settled by a consent judgment in the U.S. Court. Briefly, the settlement consisted of the claimant quit claiming back to the government certain claims; the government confirming certain other claims, especially those which had been sold to other parties.

This is a rather outstanding example of a case where essentially non-mineral land is taken up under mineral claims presumably for the purpose of a real estate development. One of the Advisory Council members had an opportunity to see the extent to which these claims have been divided up into lots for sale for residential purposes.

60. An area of high recreational value which received special congressional action separating surface rights from sub-surface minerals.

a. Case No. 60.
b. Location: Coronado National Forest, Arizona.
c. Resume of case: Occasionally, as in this instance, Congress has given special consideration to recreational areas in order to protect them against the invasion of mining claims which might interfere seriously with an important use of the national forest lands. In this instance the special acts permit the miner to mine and to use so much of the surface of the claim and its timber as he may reasonably require for his operation. But all other surface rights and resources remain under government control. This procedure illustrates one method which might be employed to make possible the development of sub-surface minerals but at the same time safeguard the important surface rights which should be retained for public use. A similar act which would apply to all national forest lands would go a long way toward averting many of the wrongs which have been perpetrated under the present mining laws.

The Mt. Lemmon area is used extensively for summer and winter purposes, especially by the people of Tucson.

61. Wholesale location of lode mining claims.

a. Case No. 61.
b. Location: Coronado National Forest, Arizona.
c. Resume of case: In this case the claimant located 92 lode claims along a main highway on the Coronado National Forest in the vicinity of Hereford, Arizona. These claims were fenced and this effectively controlled about 3000 acres of forest land.

During past years, the claimant raised considerable sums of money for mine development work.

At the time the Advisory Council member and others visited the claims, the claimant stated that he was not shipping any ore now but was getting ready for more development work. He stated that he needed more money for this development program and possibly had in mind selling additional stock.

It appeared that the claimant was at least making an attempt at carrying on a mining operation but it is rather doubtful whether the mine will pay out in a satisfactory way. Although the location of the 92 claims may be more or less incidental so far as the main highway is concerned, yet if patent to these claims should be secured there would probably be some real estate values involved.

Although several buildings have been constructed, a small laboratory maintained, etc., it appears that so far as is known no appreciable amount of mineral has been produced.

The Forest Service secured an injunction in 1930 in Federal court prohibiting the maintenance of claimant's fence except on 160 acres around his headquarters.

In 1937 the claims were contested by the Forest Service. As a result most of the claims were cancelled but the others are still occupied.

62. Mining claims of high value for residence purposes along a main highway.

a. Case No. 62.

b. Location: Coronado National Forest, Arizona.
c. Resume of case: In this case application for patent was made for a group of six claims. However, these were protested by the Forest Service. After an investigation there seemed to be sufficient ore on one claim to justify patent under the existing mining laws. This one claim was patented and the other five were withdrawn. The principal value of these claims seemed to be for residential purposes along a main highway.

63. Conflict with research program of the Forest Service by the location of mining claims on experimental range on land adjoining the Coronado National Forest.

a. Case No. 63.
b. Location: Coronado National Forest, Arizona.
c. Resume of case: This experimental range is made up of 44,320 acres on the range proper and 6,360 acres on Coronado National Forest. The area was set aside by executive order about 1902-03. About 1930 experiment station was formally established.

A mining promotor, and others have located association placer claims of 160 acres each and have sold stock extensively. Several years ago the mineral examiner found these claims to be of questionable validity. The only type of operation which would be feasible would be a dredging proposition and there is insufficient water for this. It is interesting to note that the claims cover all the administrative buildings and water improvements. It was reported that an area of 42,600 acres of this reserve had been plastered with placer mining claims. The range was in excellent condition for grazing at the time of inspection.

64. Conflict with an important recreation area on a national forest.

a. Case No. 64.
b. Location: Coronado National Forest, Arizona.
c. Resume of case: In this case a mill site location was made upon a very scenic five-acre tract in a popular area of the Chiricahua Mountains; the area is a summer recreation mecca for residents of that region. The tract covered by the mill site had formerly been used for a Y.W.C.A. Camp. While it had been classified as a recreation area for expansion of nearby existing facilities, it had not been formally withdrawn from location and entry nor developed and improved for public use.

In May 1946 the Forest Service filed protest against the mill site charging (1) that the mill site was not being held by the claimant for bona fide mining and milling purposes and (2) that the land embraced within the mill site had been set aside, reserved and appropriated to public recreational use and hence was not open to location and entry under the mining laws. At that time the claimant had built a small one-room cabin upon the mill site.

The hearing was held in September 1946, the claimant testifying that the mill site had been located in good faith, that the area had not been developed by the Forest Service with the usual recreational

facilities, and that he intended to proceed with development of the mill site for mill site purposes. The Government offered the testimony of four witnesses, including two mineral examiners, who stated they found no evidence of occupation or use of the land as a mill site or for mining or milling purposes. The mill site was supported by several purchased claims some 14 miles distant. The mineral examiners testified that it would be impracticable, in their opinion, to use the mill site in connection with development of the supporting claims.

After the hearing, the Acting Manager of the Land Office, in his decision of March 12, 1947, held that the charges made in the protest had been sustained and declared the mill site invalid.

An appeal by the claimant resulted in the decision of September 6, 1949, by the Acting Director of the Bureau of Land Management. This decision failed to sustain the second charge made by the Forest Service but did sustain the first charge and held the claim to be invalid. This ruling was again appealed by the claimant resulting in the decision of April 25, 1950, which upheld the Acting Director's decision of September 6, 1949. Meanwhile the claimant had constructed another substantial building upon the mill site, and contended it was to be used for treating ores and as a mine-equipment storage shed.

Notwithstanding the decision of April 25, 1950, the claimant continued to occupy the land and asserted some rights in it. Accordingly it was necessary to take the case to federal court to obtain removal of the structures and to restrain further trespass. Complaint was filed in September 1950, temporary injunction was obtained March 21, 1951, and final injunction September 11, 1951. The injunction restrained the defendant from further occupying or using the area without permit. The structures were removed and the premises vacated in November 1951.

Estimated costs of this case to the Government, exclusive of Bureau of Land Management costs and Forest Service Washington Office costs, are as follows: Time and expenses of mineral examiners, study and report time, hearings time, etc., $1500; time and expenses of Regional Attorney, $1000; time and expense of ranger, forest staff men, United States Attorney, and others in handling correspondence, attendance at hearings, and other phases of the case, $2500.

Thus this case involving a five-acre mill site required a little over six years to settle and cost the Government about $5000 plus an undetermined additional amount. The elements of the case were relatively clear-cut and simple. While most claimants locating and holding invalid claims do not go to such lengths to hold the claim, nevertheless a similar situation is potential in almost any simple case where the Forest Service contests an invalid claim.

65. Locating a mill site on an area of the national forest important for recreational and residential purposes.

a. Case No. 65.
b. Location: Coronado National Forest, Arizona.
c. Resume of case: This case is of the same pattern as Case No. 64.

According to reports, the Forest Service intends to file a protest against this location.

66. Private control of desirable area of national forest for more than 40 years, under mining claim of doubtful validity.

a. Case No. 66.
b. Location: Gila National Forest, Arizona.
c. Resume of case: The area of this claim had been used for many years as a public camping place near an excellent spring. It had been prospected many times since the 1880's but abandoned. In 1907 the original claimant located this claim and in 1943 the present owner applied for a patent. The Forest Service contested the application on the ground that no valid mineral discovery had been made. Testimony had been submitted that it was the claimant's intent to build a campground on the claim. This, however, was denied.

The assistant director of the Bureau of Land Management denied patent in 1948. However, it was left so that the claimant might remain in possession of the claim and endeavor to demonstrate that there is a valuable mineral deposit on the land. In this way it seems that control of the surface has remained in private hands for over 43 years to the detriment of the forest and public interests. The supposed minerals were silver and "Valuable Clay".

67. Effort to obtain site for camp and lunch stand along a main highway.

a. Case No. 67.
b. Location: Gila National Forest, Arizona.
c. Resume of case: The claim was located in 1934, alongside a main highway. The locator in this case had never done any mining and in conversation with the forest supervisor he frankly admitted that he wanted the land for a campground and lunch stand. The location was protested by the Forest Service. A decision by the First Assistant Secretary of the Interior held that the claim was void. However, it is understood that the claim has been filed upon by a new locator. This illustrates that a claim which for all practical purposes, is abandoned by one party, may be relocated by someone else at any time. This is something which presumably could be corrected in the present mining laws.

68. Claims on watershed of Silver City, New Mexico.

a. Case No. 68.
b. Location: Gila National Forest, New Mexico.
c. Resume of case: On one or two of these claims it is reported that there is probably enough manganese ore to allow patent under the law. It is understood that many of the claims were located on the important watershed of Silver City, which, according to reports, has since been formally designated and managed as such.

It was reported that one claimant has a large number of mining claims on the Gila and Santa Fe National Forests on which little or no development work has been done.

The injury to watersheds through the misuse of the land by claimants not only complicates proper management by the Forest Service but also may bring serious results to downstream areas.

69. Placer mining operations damaging other resources.

a. Case No. 69.
b. Location: Salmon National Forest, Idaho.

c. Resume of case: This operation started about 1867 and has been a bona fide mining venture under the mining laws. Because of the heavy wash of sand and gravel on ranch land downstream it is reported that 14 or more ranchers secured an injunction which held up the placer mining operations for a year or so but it appears that at this date the mining has been resumed with probable additional damage to the ranch lands below.

70. Probable damage to land resources and fish life.

a. Case No. 70.
b. Location: Salmon National Forest, Idaho.
c. Resume of case: One of the Advisory Council members observed what appeared to be a new placer operation involved in reworking an old patented placer claim. Since the dredging was to be on patented land the Forest Service was not directly concerned. However, it appeared that the placer washings would undoubtedly have an adverse effect on properties below--some of which involved the national forest.

71. Unpatented claims with high timber values.

a. Case No. 71.
b. Location: Salmon National Forest, Idaho.
c. Resume of case: These four claims involving some 80 acres contained an estimated 800,000 board feet of saw timber. It is reported that the placer claims were worked about 50 years ago and there seemed to be no indications of any recent workings. It was reported that it is the plan of the claimants to make application for patent. In this event the Forest Service will request an examination to determine if valuable mineral is present which would warrant the expectation that a paying mine could be developed. It is the plan also to make a 100% survey of the timber to determine more exactly the amount of such on the claims. If valuable mineral is not present the Forest Service will undoubtedly protest to the Bureau of Land Management against issuing patents.

The timber on these claims has a value of at least $8000. If patents to the claims are secured many more areas in the same drainage will probably come up for patent with the resulting loss to the Forest Service of the valuable timber. Even though patent may not be secured a mining claim can effectively delay the sale of the timber as well as block road access to other timber tracts in sale areas.

72. Patented mining claims which have been worked years ago but not recently. Present interference with management of national forest resources.

a. Case No. 72.
b. Location: Salmon National Forest, Idaho.
c. Resume of case: This group is made up of 30 or more claims which have been patented. They were worked years ago but apparently not within the last 20 years.

The valuable timber as well as the other resources are of course controlled by the owners. However this is a case where the timber on these lands may be badly needed for developing mining on other adjoining areas. Also the timber is needed for rounding out a satisfactory "working unit" for timber sales and forest management. There is a probability that the grazing use of the patented claims may be leased in such a way as to interfere with the orderly range management of the national forest. Also there is at least the threat of overcutting of timber, and over grazing with resulting erosion and soil destruction which may seriously affect the adjoining public lands.

73. Unpatented claim of questionable mineral value sold to uninformed parties expecting to get title and use claim for other than mining purposes.

a. Case No. 73.
b. Location: Salmon National Forest, Idaho.
c. Resume of case: This is a case where an unpatented mining claim was reportedly sold to a woman who purchased the claim thinking that she could secure patent to the land and develop a cabin site for herself and others. When the claim came up for patent it was protested because of negligible mineral values.

This is a case of an uninformed person purchasing a claim under a misunderstanding which creates a difficult problem for the Forest Service to handle--without working undue hardship on a more or less innocent party.

It was suggested that in a case of this kind a reasonable solution might be to have the purchaser relinquish the claim and have the Forest Service issue a special use permit which would allow the claimant to legally occupy a cabin or cottage site.

74. Results of present day land use on 40 patented claims totalling 2470 acres.

a. Case No. 74.
b. Location: Salmon National Forest, Idaho.

c. Data: It is reported that of 40 patented claims in this ranger district, 13, comprising 1495 acres, were placer claims. Of this acreage only 66 acres have been mined, or about 4½ percent. Of the remaining area of these placer claims:

7.2% is farmed (108 acres).
15.1% is grazed (226 acres).
66. % has been logged off (989 acres)
2.7% is used for summer homes (40 acres).
1.3% has become tax delinquent and sold by the county (20 acres).

It is further reported that in the 75 years since the mining began in this area only one mine has been worked and this involved the 66 acres mentioned above.

In this same district the report is made that 27 lode locations were patented involving 975 acres. About one-half of the lode claims, according to estimates, were developed in a substantial way for mining but at present the tunnels and improvements have had no maintenance and have been abandoned or dismantled.

The present use status of these claims is about as follows:

52% or 510 acres have been logged for other than mining use.
20% or 200 acres have been contracted for timber cutting.

It is stated that in 1950 there were only two of the patented lode mines which were showing activity and both of these were in the development stage only.

If the mining laws had disposed of the minerals only, the other valuable resources on these and adjoining areas would have been retained by the United States.

75. The status of unpatented mineral claims on one ranger district.

a. Case No. 75.
b. Location: Salmon National Forest, Idaho.
c. Data: According to the reports of the Forest Service for this area there have been located 96 claims, including association claims, with a total area of about 7,557 acres. This amounts to about 4% of the total area of the ranger district. The significant thing about these claims is that on the entire 7,557 acres only two mines are being operated and these only on an exploratory basis.

It is apparent that this large acreage of timber and other resources has been tied up and has hampered the Forest Service in an orderly management of these public resources.

76. Mining company operating on old patented and unpatented claims causing damage to land and water resources.

a. Case No. 76.
b. Location: Boise National Forest, Idaho.
c. Resume of case: This dredging company is working over old placer claims. The operation is entirely legitimate so far as the mining laws are concerned. However it has been reported that the downstream farmers must spend $100,000 annually to keep their ditches cleared of sediment resulting from the operation. The resultant silt problem involves the life expectancy of a reservoir into which sediment is carried. It appeared also that the dredging would cause road damage and possibly inconvenience to the travelling public.

This is an example of a placer mining operation which leaves the surface in an unsightly and unproductive condition for a long period of time. A question might be raised as to the need for restoration, or partial restoration of the surface by leveling the spoil banks and possibly replacing sufficient soil to partially restore the productive use of the land. If the mining margin of profit is not sufficient to cover this cost possibly such operations in fertile valley lands should not be permitted.

77. Unpatented lode mining claims interfering with national forest timber sales and tying up high timber values.

a. Case No. 77.
b. Location: Boise National Forest, Idaho
c. Resume of case: These unpatented claims of 40 acres have interfered with the timber sale program of the national forest. It is reported that the Forest Service has made timber sales on these and adjoining lands and that the claimant has required a payment of $600 by a logging and sawmill company to release the timber on the above claims--also to permit road access to other national forest timber on adjoining lands.

78. Valuable timber tied up by mining locations.

a. Case No. 78.
b. Location: Boise National Forest, Idaho.
c. Resume of case: The 76 unpatented lode claims involving 1500 acres have created concern on the part of the Forest Service. It seems that application for patent is to be made for these claims which are reputed to contain 6,000,000 feet of timber (valued at $20.00 per thousand feet) and also to have high recreational values. According to reports it seems to be common knowledge that a lumber company is

financing the effort to secure patent to these claims with the presumed intent of securing the timber. If the development work in the tunnel being driven shows any reasonable amount of mineral it seems probable that a part or all of the claims will go to patent. Such situations would be prevented if the surface rights were separated from the underground mineral rights.

79. Old patented mining claims entirely bona fide, which have been worked out. Surface resources now being used for summer homes, resorts, dude ranches, etc.

a. Case No. 79.
b. Location: Boise National Forest, Idaho.
c. Resume of case: This group of patented claims were properly acquired for mining purposes. The mines are no longer worked. The owners are now reported to be developing the claims for resorts and dude ranch purposes. It is possible that if the mining laws had been so framed as to convey only the mineral resources this would have left the recreational development of the lands in the hands of the Forest Service with the probability of development of the recreational uses to the better advantage of the public.

80. Large operating mining company with many patented and unpatented claims.

a. Case No. 80.
b. Location: Boise National Forest, Idaho.
c. Resume of case: This mine is reputed to have been the largest supplier of antimony and tungsten during World War II. The mine is an open pit and has also produced some silver, lead and gold.

It is reported the company has about 26 patented and 315 unpatented claims.

This is the type of mining operation which seems to comply both with the letter and spirit of the mining laws. Even with this bona fide operation the recently constructed smelter may cause some damage to vegetation from fumes with resultant losses of timber, forage and watershed cover. The company is providing settling basins for waste materials.

81. Interference with administration of national forest resources.

a. Case No. 81.
b. Information to Advisory Board member by Forest Service personnel.
c. Location: Boise National Forest, Idaho.

d. Resume of case: Reports indicate that this claimant has 44 claims involving about 880 acres of national forest land. An open pit mining operation is involved. The U. S. Bureau of Mines has endeavored to locate the main body of ore and its extent. It is reported that the claimant produced about $160,000 in antimony ore.

The claims are said to contain a stand of about one million feet of timber and future operations will probably cut down on the available range on a heavily used area, involving adjustments in range use. Other matters are involved such as accelerated siltation of streams from erosion, right of way problems and recreational use.

It was understood that 12 of the 44 claims are now up for patent and will probably be approved.

This seems to be another case of mining which involves more or less disruption of other uses. A separation of the mineral rights from other resources or uses would avoid at least some of the objections.

82. Reported purchase of patented and unpatented claims with all surface and other rights for the reported purpose of developing a dude ranch and lodge.

a. Case No. 82.
b. Information: From Forest Service personnel.
c. Location: Boise National Forest, Idaho.
d. Resume of case: This case involves claims, patented and unpatented, which were worked during World War II and in 1949 the claims were sold to present owner, who, according to reports expects to use the buildings for lodges and dude ranch purposes. The land involved is in an area which is needed by the Forest Service for development of public recreation.

83. Unworked placer claims with ramshackle buildings presenting an unsightly appearance along highway.

a. Case No. 83.
b. Information: Secured from forest officers.
c. Location: Boise National Forest, Idaho.
d. Resume of case: This case involves a group of placer claims along a highway upon which apparently no mining work is being done. Old buildings are in bad repair but were occupied by a family.

Some cattle and horses were using the claims and adjoining national forest lands for forage and these animals were apparently not being used in the development of the claims. The claims were reported to be within a reclamation withdrawal of 1910 and a power site withdrawal of 1930.

The present use of the claims involves a livestock trespass problem for the Forest Service.

84. Continued use of an unpatented placer claim for residence purposes and for production of hay crops.

a. Case No. 84.
b. Information: From forest officers.
c. Location: Boise National Forest, Idaho.
d. Resume of case: It is reported that the area in which this claim lies was withdrawn from entry in 1910 as a reclamation withdrawal and also in 1930 as a power site.

According to statements the claim is used as a summer home and also for the grazing of livestock which are not used in any way with mining operations.

85. Unpatented lode mining claim used as headquarters for packing out hunters.

a. Case No. 85.
b. Information: From forest officers.
c. Location: Boise National Forest, Idaho
d. Resume of case: In this case it is reported that the claimant lives on the unpatented claims and that he has not attempted any mining operations since locating the claim. It appears that the claim is desirable as a hunting lodge, and is used as headquarters for hunters. It is also reported that the claimant's pack animals are not restricted in their grazing to the confines of the claims.

86. Placer claim on national forest land which has been used extensively as a public campground.

a. Case No. 86.
b. Information: From forest officers.
c. Location: Boise National Forest, Idaho.
d. Resume of case: From the report the claimants have started some work on the claim and it is assumed that there will be sufficient placer gold found to warrant patent. In this event, or even before, the camp for public use will probably be abandoned because of damage to the environs.

87. Placer mining claims preventing the sale of national forest timber and interfering with recreation development and grazing.

a. Case No. 87.
b. Information: Secured from forest officials.
c. Location: Boise National Forest, Idaho.

d. Resume of case: It was reported that the claimant charged a large lumber company $600 for permission to haul government timber across the claims. These claims also have caused serious problems for the forest administrators by reducing the available forage for livestock grazing and in interfering with needed recreational developments.

From reports the official examination by mineral experts shows a sufficient mineral on some of the claims to permit issuance of patents. In this way the Forest Service will lose control of extensive areas whether or not any extensive mining work is undertaken.

88. Destruction of national forest resources by placer mining.

a. Case No. 88.
b. Location: Payette National Forest, Idaho.
c. Resume of case: This is a large dredging operation entirely in conformance with the mining laws. It is reported that some 2000 acres of excellent meadow lands has been dredged. Presumably it was a paying operation from the standpoint of mineral recovery. The area now is covered with ridges of boulders many feet thick--with little or no possibility for use for agriculture, grazing or recreation. It is stated that the meadow land formerly would produce a ton or more of hay per acre. It appears that the productive capacity of the land has been destroyed for all time, or at least for a long period of years. It would seem that the laws might properly require a reasonable restoration of the surface in order to avoid permanent damage.

89. Placer mining claims disrupting a site for national forest administration.

a. Case No. 89.
b. Location: Payette National Forest, Idaho.
c. Resume of case: This administrative site was designated by the Forest Service for administrative use in 1909. It was used for years as a pasture for the ranger's livestock and also at one time for a ranger station. At a time when the site was not actually in use by the Forest Service, though future use was contemplated, placer mining claims covered the area and adjoining lands extending for some four miles in the valley.

It is understood that the applications for patent for those claims have been approved by the Bureau of Land Management on showings that placer mineral is present in sufficient amounts to justify granting the patent under the present mining laws and regulations.

90. Claimant attempting to secure patent to old occupied administrative site.

a. Case No. 90.
b. Location: Payette National Forest, Idaho.
c. Resume of case: It is reported that this administrative site has been occupied continuously by the Forest Service for about 25 years. It now appears that efforts are being made to secure patent to these claims under the mining laws. The Forest Service administrators are of the belief that this site is not subject to location under the mining laws. This, however, may be contested by the claimants.

91. Mining claims staked over roads built to make possible the sale of Forest Service timber.

a. Case No. 91.
b. Location: Payette National Forest, Idaho.
c. Resume of case: It is reported that a cabin had been constructed by the prospective purchaser of national forest timber and that four miles of access roads had been built. Mining claims were staked over the area and "no trespassing" signs were placed on the cabin. The prospective timber purchaser moved out and presumably the timber sale was abandoned.

92. Mineral claims blocking or interfering with public recreation development on a national forest.

a. Case No. 92.
b. Location: Wasatch National Forest, Utah.
c. Resume of case: In this group of lode mining claims an investigation by the Bureau of Land Management found that of 14 unpatented claims, 13 were of questionable validity. The claims were staked out in an area of high recreational value. It is understood that this area is being withdrawn from location or entry by the Secretary of the Interior.

93. Reconveyance of surface of patented claims on a national forest.

a. Case No. 93.
b. Location: Wasatch National Forest, Utah.
c. Resume of case: A company controls hundreds of patented lode mining claims--many of which have supported mining operations. The company has conveyed to the government title to the surface of 1700 acres which has made possible the development of one of the most intensively used winter sports areas in the country.

Unfortunately the Forest Service cannot expect many miners to be as altruistic as this company. The recreational program on the Wasatch National Forest is greatly handicapped by the presence of hundreds of patented mining claims, many of which have never been worked for minerals and probably never will be. These are now being sold for summer homes, resorts, etc. at city real estate prices up to $2000 per acre. These private developments, involving a large part of the canyons, make it impossible for the Forest Service to secure an orderly development for the best interest of the public.

94. Placer claims with no mineral showing being held for patent and apparently for residential use.

a. Case No. 94.
b. Location: Deerlodge National Forest, Montana.
c. Resume of case: These unpatented claims are owned by a claimant with no mining experience. In his contacts with the forest authorities he mentioned the beauties of the area and was rather enthusiatic about the hunting and fishing possibilities. His cabin is much beyond the quality one would expect to see in a miner's cabin. When a mineral examination was made in 1948 this man was surprised that a thorough check was to be made by the Forest Service, since it was reported that he had been led to believe that the only necessary procedure to secure a patent was to file the required papers. He requested additional time to develop the mineral claims. However in 1950, after two additional years, little new development work had been undertaken and the showing of any placer gold on the claims was extremely meager.

The Mineral Examiner has submitted an adverse report as to the validity of the claims and it is understood that the Forest Service will protest issuing patents.

To an outside observer it appears that the claims were located with the intent of residence and not for mining purposes.

Several miles below, in the Pioneer Placer area considerable amounts of placer gold were dredged in past years but so far as is known no one has been able to mine the areas of these claims at a profit.

95. Holding a placer claim on a national forest with no valid discovery of mineral.

a. Case No. 95.
b. Location: Deerlodge National Forest, Montana.
c. Resume of case: This claim was located a number of years ago but very little mining work has been done. An old cabin is in disrepair with little evidence of recent occupancy. It may have been used at times for a hunting lodge. The claims, involving 40 acres, as well as many others are of questionable validity but have taken up large areas which should be available for public recreational use.

The claims were checked by the Mineral Examiner in 1948 and no valuable mineral discoveries were found. The claimant was notified that another examination would be made later in order to give him time to demonstrate the possibility of a valid mineral discovery. A second examination was made in July, 1950, but no new development work had been undertaken and no valid discoveries had been found.

Some profitable placer mines had been operated in past years several miles below these claims but no valuable discovery has been made in this vicinity.

It is understood that an adverse report will be filed and if sustained the occupancy of the claim may be terminated--even though application for patent is not made.

96. Use of claim for summer home and hunting lodge.

a. Case No. 96.
b. Location: Deerlodge National Forest, Montana.
c. Resume of case: These claims comprising 160 acres are located several miles above an extensive dredging operation of former years. There is still some evidence of ditches across these claims which formerly carried water to placer operation in the valley below.

The claims were located in 1931 and were purchased from the original claimants a few years ago by the present owners. A good stand of timber covers these claims. It is stated that the area has been prospected for more than 70 years and that there has not been found sufficient mineral to validate a "discovery".

A good summer home is located on the claim which appears to have as its principal use occupancy for a summer home or for hunting purposes.

Two mineral examinations have been made with negative results. It is understood that if the claimants do not show valuable discoveries within a year the Forest Service will file adverse charges against the claims.

97. Old placer mining district showing soil and recreational resources destroyed.

a. Case No. 97.
b. Location: Deerlodge National Forest, Montana
c. Resume of case: This area is reputed to be one of the first placer gold mining areas in the State of Montana. Hundreds and perhaps thousands of acres of bottom lands were placered in the early days. Chinese labor played an important part in the early day mining. Later power dredges worked the flats, and in some cases it is understood the lands were dredged more than once. At the time of the inspection an old, partially dismantled, dredge gave evidence of an era long since passed.

The striking thing is that after nearly a century the placered land is a monumental ruin, with great piles of sterile boulders replacing the once fertile land.

The value of gold taken over the years is not known but from the long time economy standpoint one may wonder if the annual production of forage, other crops, or livestock might not over-balance in value the gold which has been taken.

It might be desirable from the public standpoint to revise the mining laws in such a way as to enable the Forest Service to require a partial restoration of the surface of the land placered.

98. Unperfected lode claim being used for residence purposes.

a. Case No. 98.
b. Location: Cabinet National Forest, Montana.
c. Resume of case: This claim was first located in 1939, and was relocated in 1946.

The mineral development on the claim consists of an inclined shaft approximately 5 x 9 x 29 feet. It was stated that the workings have been examined by at least three Mineral Examiners but with no verification of "discovery".

The claim is adjacent to a good mountain road and is about two miles from a main highway. A good cabin has been built on the claim and the locality furnishes good hunting and fishing. The claim is not in a mining district and no producing mines are found in the vicinity. It appears that this and adjacent lands are chiefly valuable for recreational purposes. The above claim has been used primarily for residence purposes to date.

Suit was filed against the claimant in Federal Court. In the meantime the claim has been occupied and may continue in this status unless a favorable ruling can be obtained from the court. It was reported that the Forest Service had already spent between $2000 and $3000 on the case. It illustrates the need for revisions of the mining laws in the interest of the public.

99. Lode claims with extensive tunnel exploration and with heavy surface timber values.

a. Case No. 99.
b. Location: Coeur d'Alene National Forest, Idaho.
c. Resume of case: These lode claims comprise about 650 acres of land on the Coeur d'Alene National Forests.

The claims were located in 1940. They are in one of the big mining areas of the State. It is estimated that $300,000 has been spent in driving some 8000 feet of tunnels into the mountain. It is reported that the discovery of mineral is rather weak but because of the geological lay of the land the prospects are good. The 30 claims in this group are up for patent and the mineral examiner has reported favorably on them.

The unfortunate matter in this case is that if the claims go to patent the valuable timber 2000 to 3500 feet above the mines will be lost to the government. It was stated that the timber had a conservative value of $80,000 and, also the surface had some grazing value. The observers had an opportunity to view the timber from Dago Peak and it was believed the estimated stumpage value of $80,000 was overly conservative.

This is an excellent case illustrating the need for a change in the mining laws which would separate the surface resources from the minerals in the case of lode claims.

100. Unperfected mining claims obstructing access to national forest timber sale areas.

a. Case No. 100.
b. Location: St. Joe National Forest, Idaho.
c. Resume of case: The claims were acquired by the present owner in 1925. The group comprises some 420 acres of the St. Joe National Forest. The claimant has done considerable development work on the claims. Although there seems to be no evidence of actual discovery yet there is enough mineral in the vicinity to warrant prospecting.

The claimant has a rather interesting method of locating ores beneath the surface. This involves the use of small pieces of various minerals or ores suspended on short strings. The theory is that when the suspended ores are set in motion the swinging will suddenly stop when a particular suspended mineral is over a similar mineral underground.

The claims are all well timbered. Also, they are so situated as to obstruct access to Forest Service timber sales. It was reported that a lumber company had tentatively agreed to pay the claimant $2000 in order to secure a road right-of-way to get out timber on adjoining national forest lands.

101. Unpatented claims on lands with high timber values obstructing access to national forest timber.

a. Case No. 101.
b. Location: Clearwater National Forest, Idaho.
c. Resume of case: These two claims were located in 1944. The claims were poorly marked and in making timber sales on adjacent areas roads were inadvertently built across these claims. Objection was made by the claimants. The investigation which followed disclosed the fact that the claims were covered with a very valuable stand of timber.

A number of years ago some mining was done on one of the claims and a stamp mill had been in operation. All former improvements including the tunnel were in ruins. The claimants maintain that they have substantial ore values. However a mineral examination showed no values in any of the works which were open for sampling.

It was stated that the two claims contained about one million board feet of timber valued at $17,000 to $20,000; also, that the claims obstruct access to heavy stands of national forest timber which should be harvested. The area has been inactive for mining for a long time.

It was understood that the claimants were locating 8 more claims on adjacent areas. Due to the fact that mining operations were at one time carried on in this vicinity it will no doubt be difficult to prove them invalid.

It appears that if it is not possible to require the vacation of these claims--which seem to be chiefly valuable for their timber--many other claims will be staked in the vicinity with disastrous effects on the timber holdings of the Government.

102. Occupancy of unpatented placer claims. Apparent real estate development on claims.

a. Case No. 102.
b. Location: Stanislaus National Forest, California
c. Resume of case: To the Advisory Council this case seemed to be one of the most serious examples of mining claims which affect valuable non-mineral forest resources. For this reason this case is reviewed at some length.

The records indicate that up to 1950 the claimant had established about 270 placer claims, involving hundreds of acres of national forest land along the highly scenic Sonora Pass Highway. An inspection of the records in the county office verified the large number of claims filed by the claimant.

The claimant asserts that the mineral involved is building stone. Two expert mineral examiners have testified before the Bureau of Land Management (May 1950) in connection with three of the claims (Sierra View, Sugar Pine Creek and Cedar Mountain Placer Claims) that (1) no discovery of mineral had been made; (2) that the land is non-mineral in character; (3) that the claims contained good stands of timber; (4) that only small cuts had been made with no evidence of any rock or other mineral having been removed; (5) that a quarry would not be economically feasible; (6) that the rock weathers too rapidly to be suitable for road surfacing and (7) that in the opinion of the examiners a reasonably prudent man would not be justified in spending time and money in the hope of developing a paying mine. The manager of the Sacramento Office of the Bureau of Land Management held that the above three claims were invalid and the claimant was allowed 30 days within which to appeal to the Director, Bureau of Land Management, if he so desired.

It was observed that most of the claims were either located along the important Sonora Pass Highway or at other points of good scenic or recreational value. The records in the County Recorder's office at Sonora, California, showed many instances where claims, unpatented, had been sold at prices ranging from $1000 to $2000 each. It would seem reasonable to suppose that many of these claims were not purchased for the purpose of mining the poor quality rock but rather for summer home sites or similar purposes.

That the claimant recognized the recreational possibilities of the claims might be supported by copies of two sample letters allegedly written by him as follows:

Long Barn, August 5, 1948

Mrs. Theresa Furlong
1007 M. Street
Modesto, Calif.

Dear Mrs. Furlong:

This is in response to your letter of the 3rd. In anticipation of extensive development of a promising ancient-channel gold property nearby, we are disposing of the smaller parcels, only a few of which are on the highway. There is a beautiful 20-acre tract less than two miles above Long Barn which may be just what you have in mind. It is non-patented therefore pays no taxes. It is held under the "building-stone" placer provisions of the Federal Laws, the conditions of which must be complied with until patented. The price is $1000, terms if preferred. The acreage

is well-timbered and is quite accessible to community facilities, while affording the degree of seclusion so important for those who desire to escape from city heat, noise and high tempo.

If you think this may be the "haven in the hills" for you I shall be pleased to show you over the property. If you will let me know in advance when you will be there, Miller Brothers Store, in Long Barn, will direct you to our camp.

Thank you for your inquiry and interest.

Very sincerely,
/s/ AVERY C. MOORE

Long Barn, California
September 21, 1948

Mr. R. A. Naumann
Rt. #1, Box 655
Stockton, California

Dear Mr. Naumann:

The 18 acre tract of unimproved mountain land adv. in the Record is about two miles above Long Barn and twenty miles above Sonora on the Mono Highway, at 5000 ft. altitude.

This beautiful acreage is one of the few remaining sites for sale on a main highway in this County. It is covered by a fine stand of second growth pine, cedar and fir and is on the headwaters of Sugar Pine Creek, a running stream ten months of the year. Water for domestic purposes may be had by sinking a few feet in the creek channel.

The property is entered under the building stone provisions of the Federal Law, therefore, it pays no taxes, however, after 1950 the expenditure of $100.00 in development work each year will be required until patented.

The terms are $250 down and $50 a month without interest on the balance.

Millers Brothers Store at the foot of the grade entering Long Barn will direct you to my cabin, which is 600 feet distant. If you come up I shall be pleased to show you the acreage.

Sincerely yours,
/s/ AVERY C. MOORE

The following written statement was obtained by the Forest Service with respect to some of these claims:

"I, C. P. Jones, also known as C. Jones, of Sonora, California, freely and voluntarily make the following statements:

"I am advised that A. C. Moore did, in my name as C. P. Jones or C. Jones, as principal and his name as agent, locate and record mineral claims covering the following mining claims: Silver Stream Placer Mining Claim, Lava Gap Placer Claim, Glacier Placer Claim, High Divide Placer Claim, Scenic Heights Placer Claim and the Commercial Placer Claim.

"At no time did I authorize A. C. Moore as my agent to file in my name as principal on any of the above mining claims, nor have I at any time since ratified the A. C. Moore's action in filing on said claims in my name as principal by him as agent."

C. P. Jones, also known as C. Jones

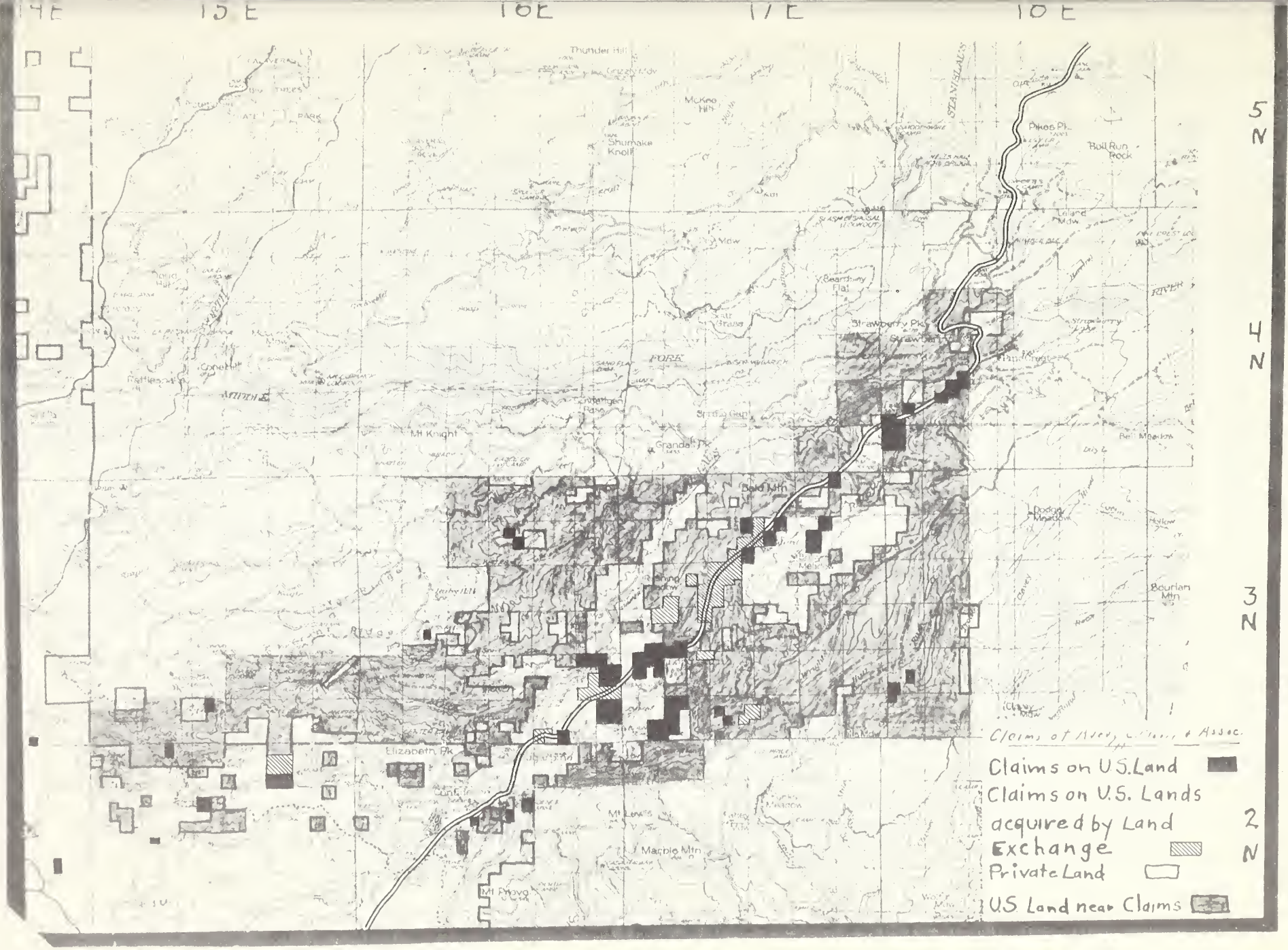
It was determined in the records of this county (Tuolumne) that there were 240 locations or relocations of mining claims since October, 1944--75 of which were filed in 1949--all by Avery C. Moore and associates. Many have been contested and declared invalid. However, the many locations and relocations continue which makes the cost to the government almost prohibitive to contest and re-contest the many cases.

103. Occupancy of unpatented claims. Apparent real estate development of claims.

a. Case No. 103.
b. Location: Sierra National Forest, California.
c. Resume of case: Several of the 14 placer claims located and recorded by this claimant were visited. A number of these claims adjoined the main highway or were within easy access to it. The claimant was interviewed for the best part of two hours. He had his residence on one claim and was building another substantial home within about 100 yards.

Boulders or rough rocks were visible along a small, scenic stream, but the rock would have little or no value commercially. It was stated that the claims contained titanium and possibly uranium ore, according to the claimant's opinion. The claimant was well-versed in the mining laws. In a small darkroom in a shed he exhibited some rocks which he illuminated with a violet ray torch with a resulting display of patches of color which, he said, gave evidence of valuable minerals.

An incidental contact in the vicinity brought the observers to a building operation in progress. The builder said that he had purchased a small portion of the above claim. He seemed somewhat disturbed when he was informed that his right to occupy could be



Map showing approximate mining claim locations of Avery C. Moore and Associates, Stanislaus National Forest in California.

questioned unless a valuable mineral discovery was made. Several other buildings were in the vicinity and were presumably on claims which had been located by the claimant in this case.

The project had all the earmarks of a real estate development on unpatented mining claims in a recreational area of high value. To an unbiased observer this case seemed to involve a use of national forest land for purposes not contemplated by the mining laws.

It is believed that these claims should be contested before the Bureau of Land Management and the claims cancelled. However if such were done the claimant, or another, could relocate the claims and such action would again involve the government in an expensive and time-consuming contest.

104. Purchase or holding unpatented mining claims having high timber values.

a. Case No. 104.
b. Location: Tahoe National Forest, California.
c. Resume of case: This company purchased a number of unpatented mining claims and endeavored to secure patent to these. The Forest Service protested patenting on the ground that there had been no valid discovery and that the claimant intended to obtain valuable timber rather than minerals. Patents were refused by the Bureau of Land Management. However if valuable mineral discoveries had been in evidence patents might have been issued which would have given title to the valuable timber involved.

105. Timber sales obstructed on unpatented mining claims by claimant refusing permission to harvest the timber.

a. Case No. 105.
b. Location: Tahoe National Forest, California
c. Resume of case: This group of placer claims contains about 950 acres and is reputed to have 27 million boardfeet of saw timber. It was further reported that the Forest Service had attempted to secure waivers on the timber from the claimants in order to make provision for including this timber in current sales. Waivers were refused and as a result the orderly management of the national forest timber is impossible.

106. Refusal to waive timber rights on placer claims.

a. Case No. 106.
b. Location: Tahoe National Forest, California.
c. Resume of case: These claims adjoin the claims of Case No. 105 on the east and south. They involve about 1050 acres of national forest land and approximately 12 million board feet of timber.

It is understood that waivers of the timber rights to the Forest Service have been refused. Again, the same as with the claims of Case No. 105 this disrupts the government timber sale program on the forest.

107. Waiving of timber rights on placer claims.

a. Case No. 107.
b. Location: Tahoe National Forest, California.
c. Resume of case: These claims involve 1100 acres of national forest land and about 50 million board feet of timber.

It is understood that in this case the timber rights have been waived and the Forest Service may proceed and include the timber in sales. If the resources, other than minerals, on mining claims were retained by the government, at least a part of the difficulties ascribed to the mining laws would be solved.

108. Unpatented claims used for residences, private camps or other recreational purposes.

a. Case No. 108.
b. Location: Tahoe National Forest, California.
c. Resume of case: These are unpatented placer claims of 60 or more acres which were located more than 75 years ago. Patents were applied for but were denied because it was reported that the placer returns netted only about nine cents per cubic yard--which would make them unworkable as an economic venture and would hardly justify a prudent person expending time and money in their development.

According to reports the present occupants have been maintaining an unauthorized public camparea for about 20 years. It is understood that it was necessary for the Forest Service to remove the public camp.

Current reports indicate that the claims have a real estate value of approximately $1000 per acre.

109. Occupancy of mining claims of high real estate value.

a. Case No. 109.
b. Location: Tahoe National Forest, California.
c. Resume of case: These claims, involving 80 acres, are located along a main highway. If sufficient showing of placer gold can be demonstrated, which is doubtful, these claims could go to patent and the patentee would then have 80 acres of real estate along a main highway, estimated to have a value of about $1000 per acre. Occupancy probably will not be protested if some creditable effort at placer mining is made.

110. Occupancy of mining claim for residence purposes.

a. Case No. 110.
b. Location: Plumas National Forest, California.
c. Resume of case: In this case it was reported that the claim was taken for the purpose of securing a residence site convenient to the claimant's place of employment. The claimant had hauled lumber to the claim for his anticipated buildings. However, after he received an explanation of the matters from the Mineral Examiner, he relinquished his claim. In this way he saved the Government expense in contesting the validity of the mining claim, and made himself eligible for an occupancy permit.

111. Protested claims with dilapidated and unsightly improvements which will probably fall to the Forest Service to clean up.

a. Case No. 111.
b. Location: Plumas National Forest, California.
c. Resume of case: This party, according to reports, filed on a placer claim, built a cabin home for himself and family, sold the cabin to a second party, and then filed on another placer claim in the same vicinity.

The claims were contested by the Forest Service and the claimant was served notice of a hearing before the Bureau of Land Management. The reports indicated that he did not appear and it is understood that the decision would normally be adverse to him in these circumstances.

The family, from appearances, is in poor financial circumstances. The development along a main highway was in a most dilapidated, unsightly and unsanitary condition. If the claim is vacated who will clean up and restore the area? The Forest Ranger had a rather definite idea as to the agency which would have this expense.

112. Building residence before prospecting for mineral values.

a. Case No. 112.
b. Location: Plumas National Forest, California.
c. Resume of case: This placer claim was filed in May 1949 and it is reported that construction of a cabin or house was started immediately. It was observed that the structure would be suitable for summer residence purposes and that construction was started before any attempt was made to explore the mineral possibilities of the claim.

113. Appropriation of a Forest Service administrative site of long standing by establishment of a placer mining claim.

a. Case No. 113.
b. Information: By conference with Regional Attorney, U.S.D.A.
c. Location: _____ National Forest, California.
d. Resume of case: This case involved land which was acquired by the Forest Service under the Public Land Exchange Act. In 1919, 80 acres were selected and set aside as a pasture tract to be available for use at the administrative site and guard station adjoining. The area was posted at that time.

An irrigation ditch and enclosing fences had been built by the Forest Service.

During the summer of 1950 a placer mining claim was located on this land and a steam shovel brought in to start a placer operation for gold.

The Regional Attorney considered seeking an injunction to stop the mining attempt. The Attorney General's Office in Washington was called and he advised against injunctive action since it was thought that such an administrative site might not, in a test, be exempt from the location of mining claims. It was stated, however, that if the mining attempt did not show discovery of sufficient mineral to justify a valid claim the Forest Service can still contest the claim and possibly recover the area for its intended use.

This case illustrates the extent to which a mining claimant, under the present mining laws, can take over lands selected for administrative sites, especially if a showing of mineral is secured.

114. Lawsuit by claimant against a company cutting government timber on his unpatented claims.

a. Case No. 114.
b. Location: Lassen National Forest, California.
c. Resume of case: These claims occupy about 880 acres of land in the Lassen Forest.

It is reported that the claimant gave verbal permission for the Forest Service to include the timber on these claims in current government timber sales. After a considerable amount of timber had been cut the claimant reportedly stopped the cutting and claimed the lumber company was in "trespass". According to reports a suit was brought against the lumber company for $75,000, three times the value of the timber cut.

The Mineral Examiner for the Forest Service stated that he found no mineral of any value on the claims. A contest was filed against the two claims where cutting has taken place. If these claims are determined to be non-valid from the mineral standpoint, it seems probable that the right of the claimant to hold any of the claims will be protested.

To correct situations of this kind a revision of the laws seems necessary.

115. Leasing mining claims to a company for mining purposes and effort of claimant to terminate the contract.

a. Case No. 115.
b. Location: Lassen National Forest, California.
c. Resume of case: According to reports a company has 20 or more mining claims involving an estimated area of 600 acres in the forest. The timber stumpage value is reported to be about $120,000. In this case the claimant leased the claims to the company for mining purposes. At the time of the inspection it was stated that the claimant is attempting to terminate the contract with the company in order to release the timber for inclusion in government timber sales.

If the mining laws were revised to separate the minerals from the timber rights this type of difficulty could be overcome.

116. Pumice mining claims of low or questionable value obstructing the salvage of blowdown timber and the sale of standing timber.

a. Case No. 116.
b. Location: Gifford Pinchot National Forest, Washington.
c. Resume of case: In this area it is reported that probably 20,000 acres of this ranger district alone have been covered by mining claims. Most of the area has a layer of pumice, some of which is only a few inches thick and of poor quality. However, the pumice is the mineral which is relied upon to justify the claims. The district has an extremely heavy stand of timber--the better locations running 80,000 to 100,000 board feet per acre. Bids by lumber companies on this timber ran from $10.50 per M. for cedar to $58.25 per M. for the Douglas fir. This sale includes 25,000,000 board feet.

It is understood that the claimants have refused to permit the removal of "blowdown" timber from the claims, and have also refused consent to the construction of access roads. If not salvaged reasonably soon the down timber will deteriorate and become unmarketable.

It is possible that patents will be applied for based upon the presence of pumice even though it is thought that a "prudent man" would not expend his time and money in developing and marketing the pumice alone. If the pumice should be removed it would mean that the valuable timber must be cleared from the land first.

It is understood that if these claims come up for patent they will be vigorously protested by the Forest Service.

While claims are outstanding, under the present mining laws, they obstruct the orderly disposal or use of the national forest resources, and many claimants exact substantial tolls from lumber companies for rights-of-way across the claims.

In the pumice areas, especially, it is possible under the present law for a locator to easily get control of 160 acres by organizing an association with seven other persons. One scratching of the surface with a bulldozer or other equipment will expose pumice and this is called the "discovery." The promoter may then secure quit claim deeds from the seven associates, which would leave the 160 acres of claims in his hands. It is understood that there are cases where four such association claims are located with a common corner and the requisite discovery on each is had by a single bulldozer cut over that corner or by four pits, one on each claim around the corner. By expanding this pattern it is possible for locators in such pumice districts to locate large areas of valuable timber lands with a minimum outlay of time and money.

It has been a matter of observation that these pumice claims almost invariably are along, or in the vicinity of, a highway of high value for summer homes or resorts, or are located in good stands of timber.

Many of the claims have both of these values which appear to far outweigh any possible pumice values either now or in the foreseeable future.

The National Forest Advisory Council feels that the pumice placer claim problem is one of the most important facing the Forest Service, and poses a real threat to the management of the resources entrusted to the administrative agency. The Council is informed that the Forest Service has recently succeeded in having scores of such claims canceled, on the ground that the pumice did not have the commercial value requisite to validate the claims.

117. Occupancy of claims when cases are appealed over adverse decisions.

a. Case No. 117.
b. Location: Gifford Pinchot National Forest, Washington.
c. Resume of case: This set of placer claims was based upon alleged discoveries of gold, pumice and building stone. A house was erected on one of the claims. A mill site was also located.

It is understood that the gold placer was contested and the Forest Service won the decision. The claimant moved off the claim but has appealed the decisions of the Bureau of Land Management and in this way continues to hold the claim.

118. Use of unpatented claims apparently located primarily for residence.

a. Case No. 118.
b. Location: Gifford Pinchot National Forest, Washington.
c. Resume of case: In this case 2 placer claims were located on lands desirable for recreational summer home use. The claimant did not apply for patent but apparently was satisfied with the occupancy of the claim for summer home use. The Forest Service contested the validity of the claims and the contest was sustained. The claimant appealed but the decision was affirmed.

119. Unpatented lode claims with exceptionally high timber values and with a possibility of sufficient mineral to permit patent under the present law.

a. Case No. 119.
b. Location: Snoqualmie National Forest, Washington.
c. Resume of case: This area seemed to present one of the most important situations which confronts the Forest Service. If it should be possible for the claimants to show mineral sufficient for discovery, it will mean that the surface values (in this case timber) will pass to the claimants when, and if, patents are issued. It seems to be one of the most striking cases justifying the separation of the surface resources from the minerals in the case of lode claims.

Reports indicate that there are over 300 claims located in the area, which cover about 5000 acres and are mostly owned by one man and his associates and one mining company.

The individual interests have built a rather pretentious mining camp and have constructed about 1½ miles of low class roads, but have undertaken little actual mining activity. The mining company, according to reports, has concentrated more on mining activities and is extending a 200-foot tunnel with the use of compressed air drills. Forest officers were informed that $50,000 had been recently obtained from a source interested in timber and that this was being used in the mine development. It seemed to be the understanding that the $50,000 might be returned from the sale of timber cut from the mining claims if patent were secured.

In 1941 a mineral examination of the area indicated the possibility of some mineral which might justify further development or exploratory work. The Examiner, however, stated that he seriously questioned the presence of mineral values on the bulk of the claims. It is reported that the mining operations which have been carried on recently have failed to show any real mineral values. The mining company, according to reports, seems to believe that there is a good chance to make the claims pay.

In this area the timber values run very high. Some of the claims would run about 150,000 board feet per acre. The entire 5000 acres of these claims would conservatively average 80,000 board feet per acre. This would mean a timber volume of 400,000,000 board feet which would have a stumpage value of about $12,500,000. One member of the National Forest Advisory Council had an opportunity to walk through a number of these heavily timbered claims.

It is understood that when, and if, any of these claims come up for patent they will be thoroughly examined by qualified Mineral Examiners.

It is at least possible that some of the claims might show sufficient mineral to warrant patents after which the patentees would have legal title to the "green gold"--the timber.

In the opinion of the National Forest Advisory Council this is a case of first importance and one which clearly points up the need for revising the mining laws.

120. Applications for patent to a large group of mining claims with good timber where mineral examiners reported no valid discoveries on about two-thirds of the claims.

a. Case No. 120.
b. Location: Rogue River National Forest, Oregon.
c. Resume of case: In this case the claimant had 23 locations up for patent. The 15 contested claims, according to report, had an estimated stand of 100,000 board feet of timber. Two expert Mineral Examiners, one from the Forest Service and one from the Bureau of Land Management, had found no valid discoveries on 15 of the 23 claims, and therefore only 8 were recommended for patent.

One member of the National Forest Advisory Council had an opportunity to attend the hearing held at Portland, Oregon before the District Manager of the Bureau of Land Management. The attorney for the claimant attempted to have the hearing called off because of alleged irregularities in the procedure for the meeting. The Manager ruled adversely on this motion after which the claimant's attorney and his group left the meeting with the statement that they would appeal directly to Washington.

Since the attorney for the Department of Agriculture and the Mineral Examiner, both from San Francisco, had spent considerable time and expense getting to the meeting, the request was made that the Manager proceed with the hearing. This was done and the details of the findings of the two Mineral Examiners were given for each of the 23 claims involved. No one was on hand to represent the claimant. The decision of the Manager was not given at the time of the meeting.

121. Pumice placer claims on timber and recreation sites.

a. Case No. 121.
b. Location: Rogue River National Forest, Oregon.
c. Resume of case: The Forest Service issued a special use permit to a religious organization. Buildings were constructed and later the Forest Service found that placer claims had been filed on this area and held priority over the special use permit.

The claimant according to reports, has filed pumice placer claims on 36,000 acres on the flats in this vicinity. Pumice is found on the area; some of this material is probably marketable, or could be marketed under some conditions. The claims are along, or in the vicinity of a main highway. Most of them are well timbered. One sugar pine tree was seen which measured 9 feet in diameter.

Thousands of acres are underlaid with pumice deposits. If it should be possible to take these areas as mineral claims there would be little left for the Forest Service to administer in this area.

122. Unpatented lode claims divided into building lots and sold.

a. Case No. 122.
b. Location: Deschutes National Forest, Oregon.
c. Resume of case: In this case the claimant located two lode claims, one on each side of the main highway. After dividing these into building lots, one lot was sold according to reports. The Forest Service attempted to stop the sale but because the claimant sold "only his interest in the claim" it appeared that the Forest Service had no case. It was understood that later the Forest Service contested the claims and that ultimately the claims were cancelled.

It should be remembered, however, that under the present mining laws the original claimant or any one else can again file on the claims immediately. In this way the expenses of the authorities can be continued more or less indefinitely.

123. Producing pumice company operating on patented land.

a. Case No. 123.
b. Location: Deschutes National Forest, Oregon.

c. Resume of case: To the inspectors this operation seemed to be entirely legitimate and appeared to be a reasonable economic business. The present owners purchased the claims from another company. Reports indicated that the grade of pumice was not as good as at some other locations but had a market for building blocks, polishing and paint uses.

According to reports this is the oldest pumice operation in this region and was the only company on the Deschutes National Forest which was operating in 1950.

124. Unpatented pumice claim cleared, developed and abandoned the same year, with disastrous results to recreational value.

a. Case No. 124.
b. Location: Deschutes National Forest, Oregon.
c. Resume of case: This was a case of what appeared to be a short-lived operation. The work of clearing the ground of timber and developing the pumice for market was completed the first year and from appearances the operation was abandoned.

The area of high potential recreational use along a well-used highway, will be of little use for recreational purposes unless the surface is restored at large expense.

125. Locating pumice claims having valuable business sites.

a. Case No. 125.
b. Area: Junction of Highways No. 58 and No. 97.
c. Location: Deschutes National Forest, Oregon.
d. Resume of case: This area on the national forest had been used extensively for picnic purposes by the traveling public but had not been set up as a Forest Service camp.

As soon as the two main highways were developed, pumice claims "several layers thick" were located near the intersection of these roads. Many association claims were located, which require only one discovery for each 160 acres.

The Forest Service has had 75 to 100 requests for special use permits for hotels, resorts, filling stations and other uses. The granting of any special uses, where needed, seems to be rather effectively blocked by the presence of the mining claims. It is questionable if it is possible under the present mining laws, to invalidate many of these claims since a substantial number of them contain pumice which might be considered of sufficient value to justify granting patents.

This is an excellent example of one way in which the mining laws permit valuable surface resources to be closed to administration for the best interest of the public. In cases of this kind, the administrative agency should be empowered, by changes in the laws, to regulate the use of non-mineral resources. Also, where extraction of pumice or other building materials would destroy the overlying land, the law should permit an appraisal of the mineral values as against other resource values or uses, in order to safeguard the interests of the public.

126. Mining claims in a mineralized area with heavy timber stands which may be exploited for timber rather than mineral values.

a. Case No. 126.
b. Name of area: Bohemian Mining Area.
c. Location: Umpqua National Forest, Oregon.
d. Resume of case: This district is in a mineralized area. Some producing mines are now, or have been, operating recently with lead and zinc as the ores involved.

One group of claims inspected would probably show valid discoveries on about half of the claims and on this account could be patented under the present law. One interesting item is the statement that these claims would on the average each contain about 1 million board feet of timber.

It was stated that the claimant has claims "all over the country".

Although there is some mining in this area, it seems probable that the valuable timber on these lands is not entirely disregarded in the location of claims.

A local forest officer stated that he thought considerable difficulty could be avoided if the mineral rights were separated from the surface rights and also if assessment work were required by law in order to preserve the claims from forfeiture.

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